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COMMITTEE PRINT

# REPORT OF THE STUDY MISSION TO EUROPE TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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## REPORT

SUBMITTED TO THE

COMMITTEE ON INTERNATIONAL  
RELATIONS



FEBRUARY 11, 1977

Printed for the use of the Committee on International Relations

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## FOREWORD

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, D.C., February 11, 1977.*

This report has been submitted to the Committee on International Relations by Hon. Dante B. Fascell, Chairman of the Commission on Security and Cooperation in Europe. It represents the findings and recommendations of the study mission to Europe to the Commission on Security and Cooperation in Europe undertaken November 5-23, 1976. The purpose of the mission was to gather information about the current status of implementation of the provisions of the Helsinki accords and to establish contacts with key European political and governmental officials as well as private individuals and organizations concerned with various aspects of the implementation process. It also contains a useful background analysis of the Final Act.

The findings and recommendations contained in the report are those of the study mission and do not purport to reflect the views of the Committee on International Relations. It is printed in the hope that it will be of use to the members of the committee and others.

CLEMENT J. ZABLOCKI, *Chairman.*

## LETTER OF SUBMITTAL

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE,  
*Washington, D.C., February 11, 1977.*

CLEMENT J. ZABLOCKI,  
*Chairman, House International Relations Committee, Room 2170 Rayburn H.O.B., Washington, D.C. 20515*

DEAR MR. CHAIRMAN: I have recently received from the Staff Director of the Commission on Security and Cooperation in Europe a Report of the Study Mission to Europe taken in November of 1976 containing an analysis of the Final Act compiled by our staff as well as a summary of opinions and views of Western European governments and key observers of the Helsinki process. Copies of this Report have been distributed to the diplomatic community as well as other interested parties.

I am forwarding herewith a copy of this report to the House International Relations Committee. I am sure that members of the House International Relations Committee and others will find this report informative and useful.

Sincerely,

DANTE B. FASCELL, *Chairman.*

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Report  
of the Study Mission to Europe  
to the Commission on Security and Cooperation in Europe  
Washington, D.C.     December 2, 1976

Background

A Study Mission of the Commission on Security and Cooperation in Europe visited 18 signatories of the Helsinki Final Act between November 5 and November 23, 1976. The purpose of the Mission was to gather information about the current status of implementation of the provisions of the Helsinki accords and to establish contacts with key European political and governmental officials as well as private individuals and organizations concerned with various aspects of the implementation process.

The CSCE Study Mission was composed of Rep. Dante B. Fascell, D-Fla. (Commission chairman); Sen. Claiborne Pell, D-R.I. (co-chairman); Rep. Jonathan Bingham, D-N.Y.; Rep. Millicent Fenwick, R-N.J.; and Rep. Paul Simon, D-Ill. Travelling individually, Commissioners and staff aides met with government officials and parliamentarians in Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, the Holy See, Sweden, Switzerland, Turkey, the United Kingdom and Yugoslavia, as well as with experts at NATO, the European Community, the Council of Europe, UNESCO, the Intergovernmental Committee on European Migration, the OECD, the United Nations High Commission for Refugees, and the United Nations Economic Commission for Europe. The Mission regrets that it could not confer with all signatory countries at this time and intends to do so in the future. The limited time available precluded visits to some countries. The Warsaw Pact countries, however, refused to permit the Commissioners to visit their countries, an action which runs counter to the very spirit of Helsinki.

Additionally, the Study Mission met with half a dozen private refugee organizations, a number of recent Soviet exiles, more than 30 businessmen and organizations active in East-West trade, a cross section of journalists specializing in Eastern European affairs, and more than 20 individuals and private institutions conducting research on Helsinki implementation questions. Commission members Mansfield Sprague and James G. Poor from the Departments of Commerce and Defense, respectively, attended the initial and final joint Study Mission sessions in Brussels and London, and Commissioner Monroe Leigh of the Department of State attended the Brussels meetings.

General

The Study Mission found European experts -- governmental and private -- virtually unanimous on one conclusion about the Helsinki accords: they have already been more productive than Western signatories anticipated at

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the time of the summit-level signing 15 months ago, and their potential for improving East-West relations over the long term is far more significant than their initial impact.

That optimistic view -- in the face of a minimal record of concrete compliance and an entrenched Western public scepticism about the value of undertakings which originally appeared only to satisfy Communist territorial claims in Eastern Europe -- was supported by three lines of reasoning. Most specifically, European officials asserted that the Final Act of the Conference on Security and Cooperation in Europe had provided them a framework within which to pursue bilateral East-West discussions on topics which, before Helsinki, had only grudgingly -- if at all -- been admitted to the diplomatic agenda. The principles and provisions, moreover, were said to be having a restraining effect on some repressive behavior in the East and to be stimulating isolated, but not insignificant resistance to the repression which remains.

The Helsinki undertakings have not only established a foundation for governments to seek satisfaction from other signatories on questions of reuniting divided families or accrediting journalists, the Study Mission was told. The accords have also made it possible for Western diplomats to press their opposite numbers in the East on a whole range of issues: sales of imported newspapers and magazines, equitable treatment for Western businessmen and firms, and even fairer treatment for ethnic, religious and political minorities. No government spokesman with whom the Study Mission talked claimed that progress in any of these areas -- except, with certain Eastern countries, family reunification -- had been significant. All, however, pointed out that such subjects would have been beyond the diplomatic pale without Helsinki.

Less tangibly, the accords were seen to have had a deterrent effect on Communist states in their behavior toward their own citizens as well as outsiders. Several non-governmental experts on Eastern European and Soviet affairs pointed to the obvious sensitivity of the Communist nations on Helsinki-related issues as a sign of the restraint the accords impose. Government officials, moreover, reported actual instances where junior Communist functionaries had advised their seniors that a contemplated course of action was barred by the Helsinki understandings. Such deterrence is, obviously, extremely hard to document. It is very difficult to prove a negative. Nevertheless the Study Mission was impressed by the sober assessments of qualified observers of Communist affairs about the deterrent effect the accords are having on some forms of repression at home and ambition abroad.

Finally, although some reports are second-hand, the Study Mission heard direct evidence that the Helsinki accords have stirred a remarkable response of hope and even action among the peoples of the Soviet Union and Eastern Europe. Press reports from East Germany, in addition, speak of the agreements stimulating a "restiveness" there expressed in thousands of new applications to

emigrate, applications supported by direct citation of the Final Act's language. Within the spectrum of unrest in Poland, following the government's hasty retreat over consumer prices last summer, a "Youth Committee for the Observance of the Helsinki Accords" has been formed in Warsaw and has begun circulating underground reports on Polish practices it finds violative of the Helsinki principles. In the Soviet Union itself, about which Andrei Amalrik told the Study Mission that audible dissidence is only "the tip of an iceberg" of popular dissent and disillusionment, the original Moscow "Public Group to Promote the Observance of the Helsinki Agreements" has been joined by an offshoot in Kiev, the capital of the Ukraine. Of the appeals for recognition and support received in the West from Soviet dissenters -- religious, political, ethnic, individual -- almost all base their case against the Soviet authorities on the principles and provisions of the Helsinki accords.

Andrei Sinyavski, imprisoned for seven years in the USSR for publishing his essays in the West in the 1960s, told Study Mission members in Paris that he wept when he first read the Helsinki accords, seeing them as another in a series of Western "abandonments" of the people of the Communist countries. Rereading and rethinking the Final Act, however, he said he had come to the opposite conclusion. The accords held great potential as an instrument to expand freedom in the totalitarian societies of the East. Only if they were strenuously and sincerely applied, he argued, would they promote the security and cooperation they foresaw. If they were allowed to remain a dead letter, then they would represent an abandonment of the hopes stirred in the East and a defeat for the West.

#### The American Role

Within the context of the bilateral and multilateral consultations leading up to the 1977 Belgrade Conference to review implementation of the accords, the Study Mission found a substantial degree of European activity and interest and a corresponding absence of American participation. Except in the workings of the NATO political commission, the American voice is little heard in European councils and consultation on the meaning and future of the Helsinki pact. While Western European officials themselves demonstrate an awareness of the real and potential utility of the CSCE undertakings in patterning and improving the East-West dialogue, they report little evidence of such interest or optimism from Washington.

That trans-Atlantic silence clearly makes the Europeans' discussions of options and tactics for Belgrade and beyond somewhat tentative and unreal. Uniformly, they see the United States as the only power having, in itself, the political strength and economic resources to speed up the realization of the most ambitious aspects of the Final Act, especially the provisions of Basket III. Many European leaders reminded the Study Mission how hard the West Europeans had worked to insure that the United States and Canada were



given a role in CSCE. A retreat from that role in the aftermath of Helsinki, they maintained, would diminish prospects for the accords' success and undercut the important Soviet acknowledgement that the United States did have "political business" being in Europe.

#### The Public Role

Given the high degree of official interest in the CSCE aftermath, the unanimously positive assessment of its long-term potential and the growing reserve of governmental experience and data on promoting implementation, the Study Mission was struck by a general lack of public information in Europe on government activity in the CSCE framework. The same officials who are today most sanguine about CSCE prospects are those who failed 15 months ago to communicate their hopes for the accords to the broader public. That failure led to the wave of press criticism which scorned the Final Act as an "ersatz peace pact" that did no more than concede to the Soviet Union in political terms the military gains achieved by the USSR during and after World War II. A continuation of government silence over CSCE in the months leading to Belgrade could lead an already disenchanted public once again to reject the opportunities and advantages inherent in long-term Western commitment to implement the Helsinki accords.

Just as importantly, even those Foreign Ministry spokesmen who were the strongest advocates of "quiet diplomacy" admitted that their bargaining positions were weakened without a degree of vocal public concern. Unless the Western press and parliaments are themselves aware of and indignant about Eastern backsliding on CSCE commitments, their envoys in Communist capitals or at Belgrade will be deprived of valuable backing as they press for remedies.

Although a few governments have made direct efforts to inform and involve interest groups at home -- through briefings for trade organizations, editors, artists and the like or in brochures on the specific provisions of Baskets II and III -- overall government efforts to reach out to the public have been lackluster. Even the sharing of data gathered on compliance (or the lack thereof) between Foreign Ministries and the relevant parliamentary bodies is extremely limited; and between NATO and the North Atlantic Assembly, dialogue on Helsinki progress is virtually nil.

The result, broadly, is uninformed disinterest. It is as though no lesson had been learned, as though official, cautiously optimistic perceptions of CSCE were still a kind of guilty secret. Many of the observers who were once critical of the accords now say that if only they had known more about the Final Act when it was signed, they would not have been so vocally hostile to it at first. Yet governments today husband their post-Helsinki information as tightly as they did during the negotiations from which the accords emerged.

Doing so, they hamper action by what may turn out to be the most effective Helsinki-implementer of all: informed public opinion. If medical associations, editorial boards of publishing houses, scholarly societies, journalists' groups, travel agencies and universities were more aware of the specific Basket II and III opportunities for contact and exchange with the East, it is possible that they would take a more active and effective role in opening many more doors than a limited number of diplomats alone can ever hope to do. Perhaps such private initiatives, similar to those the Commission has been mandated by law to encourage, will only be rebuffed. But without attempting them, we cannot know.

The Study Mission found a great deal of curiosity -- especially among European parliamentarians -- about the role and status of the U.S. Commission. It was able to explain the Commission's nature and purpose to a great many of the government officials, private organizations and specialized researchers in Western Europe working on preparation of the Belgrade Conference. These conversations themselves resulted in several initiatives in European parliaments and political parties to evaluate CSCE progress in ways designed to stimulate greater political interest and public activity.

#### Compliance: An Overview

The Commission, and its Study Mission to Europe, are concerned with the total impact of the Helsinki Final Act. European countries the Study Mission visited are already reviewing their own compliance record and plan to report publicly the results of their review in due time. The U.S. government will also be publishing an assessment of its own examination of issues of implementation. The Study Mission has therefore concentrated its comments, for the present, on those Soviet and East European practices which most concern the Western public.

Although the Study Mission was denied the opportunity to travel in the Soviet Union and other Warsaw Pact countries, it had the opportunity to discuss the status of CSCE implementation in those countries with close observers in Western Europe. The overall impression gathered from these conversations was that the Helsinki accords were beginning to have a productive but limited affect on the improvement of East-West relations. The potential, however, far exceeds the realized progress. Most interested observers argued that, although measured progress was small, it was not substantially below the level of original expectations and that there needed to be a continuing effort to bring about further gradual realization of the principles set forth in the Final Act. Even experienced European officials and politicians who had been initially critical of the Helsinki meeting are indicating a more optimistic view of the potential long-range advantage which the follow-up to Helsinki can bring.

In discussions of Basket I the Study Mission learned that most Western European countries, especially those with common borders with Eastern

European nations, have a great interest in the confidence building measures which call for notification of maneuvers and the voluntary invitation of observers at such maneuvers. Although it was pointed out that these observers have seen little of the actual maneuvers, it was noted that the notification process was valuable in itself and should not be underestimated.

A strong and unanimous opinion was expressed that one of the Final Act's greatest contributions was to place the issue of human rights on the international agenda as a legitimate issue to be discussed in bilateral and multilateral forums. The treatment of the citizens of every country is a matter with which every other signatory country may now be rightfully concerned. There were several references to the frequent attacks on various Western European expressions of this concern by the state-owned media of Eastern European countries, especially the Soviet Union. In these attacks, concern for basic human rights is portrayed as "unwarranted interference in the internal affairs" of other countries.

The Soviet-led propaganda campaign is without validity but not without interest. Its very intensity reflects Communist sensitivity on human rights issues and the legitimate prominence CSCE has given those issues in East-West affairs.

The mission learned that there have been few CSCE-related improvements in the conditions which confront Western businessmen who wish to do business with Eastern European countries. The Helsinki Final Act has had some noteworthy effects, however, in that it has provided a basis upon which Western businessmen and Western governments may request statistics and information necessary for business purposes from Eastern European governments and responsible trade officials. In most Warsaw Pact countries it is still difficult to obtain the facilities and appointments needed to conduct business. As individuals, Western businessmen are reluctant to cite the failure on the part of Eastern European governments to live up to specific Basket II provisions for fear that such criticism would result in retaliation. For that reason and because of the secrecy which shrouds Eastern Europe's economic and commercial activities, it is difficult to measure progress in the Basket II area.

In Basket III, the field of human rights and specifically the right to reunite divided families, to travel, and to make and maintain individual contacts for professional, touristic or personal reasons, there has been little improvement. Although some restrictions on emigration procedures in the Soviet Union and other Eastern European countries have been reduced, requests to emigrate are still met by harassment, repression and economic punishment. The Commission met with a number of recent emigrees from the Soviet Union and other Eastern European countries who gave specific details which tended to indicate that emigration and movement was now more difficult and dangerous than ever. In some countries, however, it was noted that the requests to emigrate and to travel had increased markedly as a result of the publication of the provisions of the Helsinki Final Act.

Many Eastern European citizens have submitted applications to travel and to emigrate citing the rights guaranteed by the Helsinki Final Act as the basis for their requests.

In the area of information flow, progress was represented by the granting of multiple entry visas to journalists in the Soviet Union and the provision for direct access to government officials for Western journalists in the USSR and some other Eastern European nations. Unfortunately, there is still no indication that Western newspapers, books and journals are available to a much greater degree in Eastern Europe today than they were before August, 1975. Some jamming of Western radio broadcasts still continues, and a Warsaw Pact propaganda barrage against these radios has continued incessantly since the early part of 1976.

#### The 1977 Belgrade Review Conference

The first post-Helsinki meeting of the 35 signatories is to begin June 15, 1977, in Belgrade with an agenda-setting conference, at the level of experts, to determine the content, procedures and timing of what should be a substantive, implementation review session to be held in Yugoslavia before the year ends. Although the two meetings, and especially the second, are already a focus for extensive diplomatic activity and consultation in Western Europe, the Study Mission found only a limited consensus on what to expect and seek from the conference.

The single area of agreement is really more an expectation: the first session will last about six weeks; the second -- probably at ambassadorial, rather than Foreign Minister level -- will begin in late September, or early October. Beyond that -- and despite the animated consultation about Belgrade prospects within the European Economic Community, the NATO Alliance, and among the Western neutrals -- issues of strategy and tactics at the conference remain largely undetermined.

Communist intentions are more clear. Western experts expect the Soviet Union initially to seek the blandest possible nation-by-nation accounting of what each has done to implement the Final Act. Failing to achieve that whitewash of the post-Helsinki record, the Warsaw Pact nations are likely to press for an "escape forward" through discussions, not of the past but of future CSCE-related assemblies, such as the pan-European conferences Leonid Brezhnev has proposed on transport, energy and environment, the nuclear strike renunciation pact just launched at the Bucharest meeting of the Warsaw Pact, or other Basket I-related disarmament proposals and Basket II-linked economic cooperation initiatives.

Against such tactics, the West has a common goal -- preservation of the 35-nation periodic review sessions for future use -- but no definite strategy to pursue it. Government spokesmen uniformly stressed to the Study Mission that Belgrade could serve as a useful step toward further implementa-

tion, provided it did not degenerate into such a spate of mutual recriminations that it provoked the Eastern bloc to disengage entirely from the process. At the same time that they urged the West not to grandstand on specific complaints about noncompliance, these experts acknowledged that each nation must be ready with the evidence needed to write a convincing record of Eastern performance and/or default. Where progress has been made credit should be given. It is impossible, the Study Mission was repeatedly told, to expect the conference to concur in a meaningful balance sheet of compliance, but it is imperative that Western spokesmen be ready -- for the record and as a prod to future, better performance -- with detailed evaluations of the track record since the Helsinki summit.

Publicity was one means suggested -- though far from universally -- to ensure that the evaluation process be effective. Although it is not clear how much of the work of the review conference will be done in plenary sessions (where press and public could easily be admitted) and how much in expert working commissions divided, as they were in Geneva, according to the separate Baskets, it should be possible in either case for daily briefings to record the progress and substance of the debate.

The Western decisions on the best approach to Belgrade will be made within the framework of the consultative machinery that came into being during the Geneva negotiations that produced the Final Act. That complex mechanism -- and interweaving of the viewpoints of the European Community, NATO and the Western neutrals -- is already functioning in a variety of crisscrossing bilateral and multilateral encounters. The Study Mission was fortunate in the opportunity it had to see some of the product of that ongoing consultation and to hear individuals who participate in it discuss candidly the issues still to be resolved.

The Study Mission was also impressed by the diversity and range of Helsinki-evaluating activities underway outside the immediate CSCE framework. Among multilateral organizations, the Council of Europe, the United Nations Economic Commission for Europe, UNESCO, the Intergovernmental Committee on European Migration and the OECD are all, in varying degrees, involved in projects either directly linked or closely related to Final Act objectives. In addition, the World Council of Churches, the International Chamber of Commerce, the European Cooperation Research Group, the East-West Institute in the Hague, the John F. Kennedy Institute in the Netherlands, the Aspen Institute in Berlin, the German Federal Institute for Eastern Europe and International Studies in Cologne, the Institute of Jewish Affairs in London, Amnesty International and Keston College in England are all compiling their own evaluations of specific areas of Final Act implementation.

The Study Mission was fortunate to meet with officials of these and other organizations which could be loosely defined as the community of private Helsinki watchers. It was impressed with the valuable data and impressions that community is assembling and hopeful that the full Commission maintain the contact the Study Mission established. It could also be helpful

to the overall Western consultative process, before and after Belgrade, to maintain close liaison with the most active of these special interest organizations so that their particular expertise and points of view on Helsinki issues can be made a helpful ingredient in the continuing official and public review of the utility of the Final Act.

Study Mission Recommendations to the  
Commission on Security and Cooperation in Europe

1. The Commission should stress the need for the Executive Branch, notably the Department of State, to respond quickly to the European desire for a strong, clearly defined United States effort to work out a common approach to the Belgrade Conference.
2. The Commission should recommend that the Executive Branch set up mechanisms within the United States through which our own compliance with the provisions of the Helsinki Final Act can be measured and improved as is being done in Denmark.
3. The Commission should consider a resolution which would call for the establishment of a close consultative relationship between the Foreign Ministries of signatory countries and private and professional organizations in the fields of journalism, in order that multilateral pressures of both an official and unofficial nature may be utilized to protest and to prevent the denial of visas, access, and facilities to working journalists.
4. The Commission should recommend that the Executive Branch propose closer cooperation between the North Atlantic Council of NATO and parliamentarians in the North Atlantic Assembly on evaluating Helsinki progress and planning a common approach to the Belgrade Review Conference.
5. The Commission should urge the State Department and appropriate Congressional Committees to reestablish a program to encourage wider availability of U.S. publications in Eastern Europe and elsewhere by guaranteeing to convert to dollars any soft currencies accepted in payment for U.S. publications.
6. The Commission should recommend to the Congress and to the Bureau of Cultural and Educational Affairs at the Department of State that increased funding for exchange programs with Eastern European countries should be made available as soon as possible in order to comply with and to take advantage of Basket III provisions of the Helsinki Final Act.

7. The Commission should explore ways of involving the Executive Branch, the Congress, the media and interested private organizations in a full interchange of information and ideas on the implementation and evaluation of the Helsinki Final Act.
8. The Commission should ask the Office of Education and other competent agencies for an evaluation of the foreign language training programs in U.S. schools and universities with the intention of finding ways to improve and expand these programs.
9. The Commission should seek a role in the U.S. preparation for and participation at the Belgrade Conference in order to involve the Congress and the public in the follow-up process.
10. The Commission should recommend that the Executive Branch consider the organization of meetings of U.S. groups, including businessmen, professionals and others, who may be affected by the key substantive areas of the Helsinki Final Act with the intention of stimulating private initiatives to implement the provisions and to gather pertinent data.
11. The Commission should recommend to the Executive Branch and to the appropriate committees of Congress that there be a thorough review of existing laws and regulations regarding issuance of immigrant and non-immigrant visas, the purpose being to eliminate discriminatory practices which, contrary to provisions of the Final Act, limit or deny people entry into the United States.
12. The Commission should arrange for other Study Missions to visit in the near future those countries which were not included in this Study Mission, making special efforts to arrange contacts with those countries which have refused to receive us.
13. The Commission should solicit from the Secretary of State his commitment to continue to convey to the Soviet Union and Eastern European governments, official United States' regret that the Commission was denied visas to travel there, emphasizing that these governments should consider favorably future Commission requests for visas. The Department of State should be asked to keep the Commission fully informed as to the nature of these efforts and the responses received.
14. The Commission should ask the Department of State to consider inviting some European countries to send their CSCE experts to the United States for a series of bilateral consultations with the appropriate staff of the Department and the Commission.
15. The Commission should restate its intention to cooperate fully with the Department of State, emphasizing that the cooperative effort can be enhanced by a free exchange of information and views.

APPENDIX I

SCHEDULE OF MEETINGS

AUSTRIA: Vienna

November 11th Meeting with Mr. Walter Hitschmann, Director,  
Hebrew Immigrant Aid Society

November 12th Meeting with Mr. Shlomoh Shamit, Director,  
Jewish Agency for Israel

Meeting with U.S. businessmen involved in East-  
West trade including Walter Loy (Pan Am), N.L.  
Dickinson (Control Data), and Michael Labes (Rohm  
and Haas)

Meeting with Mr. Doman Rogoyski, Director, Tolstoy  
Foundation

Meeting with Mr. Marcel Faust, Director of Vienna  
office, International Rescue Committee

Meeting with Franz Cardinal Koenig, Primate of  
Austria

Meeting with Austrian Chancellor Bruno Kreisky

Meeting with Western journalists including Paul  
Hofmann, New York Times, John Morrison, Reuters,  
and Roland Prinz, AP

November 13th Visit to Austrian Red Cross Transit Facility for  
Soviet Emigres in Simmering, Vienna

Meeting with Minister for Foreign Affairs, Dr.  
Willibald Pahr and Ambassador Helmut Liederman

BELGIUM: Brussels

November 6th Meetings with U.S. European affairs specialists  
including Arthur Hartman, Assistant Secretary of  
State for European Affairs; Robert Strausz-Hupe,  
U.S. Ambassador to NATO; Deane R. Hinton, U.S.  
Ambassador to the European Community

November 7th Meeting with Andrei Amalrik, Soviet dissident  
recently exiled from the Soviet Union

Meeting with Alan Aichinger, U.S. representative  
to the North Atlantic Assembly

November 8th Meeting with NATO Secretary General S.E.M. Joseph  
Luns

Meeting at Foreign Ministry with Ambassadors De Norme  
and Leon, and Messrs. Champenois and Van Bellinghen



Meeting with representatives of the NATO Political Advisory Committee including Assistant Secretary General for Political Affairs Ernest Jung, Edward L. Killham, Jacques Serge Billy, Dr. J.N.B.J. Horak, and Tessa Solesby

Meeting with Mr. David Susskind, Organizer, Brussels World Conferences on Soviet Jewry

Meeting with Maitre de Kock, Belgium League for Human Rights

November 9th

Meeting with Mr. Champenois, Member of Foreign Minister's Cabinet

Meeting with Mr. Frederick P. Klein, Director, Political Committee, Common Market

DENMARK: Copenhagen

November 11th

Meeting with Mr. Peter Dyvig, Acting Political Director of the Foreign Ministry; J. Korsgaard-Pederson, Chief of the First Political Office; Ole Koch, Chief of the Third Economic Political Office of the Foreign Ministry; and Flemming B. Jensen, assistant to Ole Koch

November 12th

Meeting with Erik Anderson, Member of Parliament

Meeting with Mogens Espersen, Editor of the Foreign Policy Association quarterly, FREMTIDEN, and Helge Hjortdal, Head of the Folketingets Bureau

Meeting with Ojvind Feldsted Andresen, Chairman of the Sakharov Committee, one of the sponsors of a recent symposium on Soviet dissidents

FINLAND: Helsinki

November 14th

U.S. Embassy briefing

Reception with representatives of the Finnish business community involved with Eastern European trade

Meeting with the Vice Chairman of the Parliamentary Foreign Affairs Committee, Par Stenbeck

November 15th

Visit with Foreign Minister Keijo Korhonen

Discussions with Ministry of Foreign Affairs officials including State Secretary Matti Tuovinen, Ambassador Jaakko Iloniemi, Mr. Kaarlo Yrjo-Koskinen, Mr. Klaus Tornudd, Mr. Jaakko Blomberg, Mr. Arto

Tanner, Mr. Erkki Kivimaki, Mr. Markku Reimaa, and Mr. Kari Mitrunen

Meeting with Chairman of the Parliamentary Foreign Affairs Committee, Kalevi Sorsa

Visit to Finnish President Urho K. Kekkonen

Meeting with representatives of the Finnish press

FRANCE: Paris

November 17th

U.S. Embassy briefing chaired by Deputy Chief of Mission, Samuel R. Gammon and meeting with U.S. Ambassador Kenneth Rush

Briefing by Director for European Affairs of the French Foreign Ministry, Mr. Jacques Andreani, and Mr. Francis Beauchataud, CSCE Coordinator

Lunch with French Parliamentarians

Meeting with Mr. Ivor Svarc, Hebrew Immigrant Aid Society

Meeting with Mr. Abraham Karlikow, European Representative, American Jewish Committee

Meeting with Mr. Claude Kellman, Vice President of French Jewish Committee and Mr. Jacques Shoshan, Bureau of Contemporary Jewry

Meeting with Mr. Vladimir Maximov, editor of Kontinent

November 18th

Meeting with Mr. Tibor Mery, editor of Irodalmi Ujsag

Meeting with Mr. Andrei Sinyavski, writer and professor at the University of Paris

Meeting with Soviet emigre poetess, Nataliya Gorbanyevskaya

Meeting with Mr. Branko Lazitch, editor of Est-Ouest

Meeting with Mr. Nikata Struve, professor at Nanterre University and editor of the Christian Messenger

Meeting with Pierre Chudnovski, senior East-West trade expert at the Paris Chamber of Commerce

Meeting with Pierre Hassner, lecturer at Ecole des Sciences Politiques, Sorbonne, specialist on East-West affairs

Meeting with Carl Henrik Winqwist, Director, International Chamber of Commerce

November 19th

Meeting with Claudine Canetti, Agence France Press

Meeting with Antoine Laval, Force Ouvriere expert on East-West affairs

Meeting with Robert Pontillon, National Secretary for International Affairs, Socialist Party

Meeting with D. Najman, Deputy Director General of UNESCO

Meeting with Gunther Broker, Head of the Capital Markets Division of OECD

Reception for Commission members hosted by French Secretary of State for Foreign Affairs Pierre Christian Taittinger

Strasbourg

November 12th

Meeting with Nicolas M. Canbalouris, Greek Ambassador to European Council and Chairman of Council of Europe

Meeting with John Priestmann, Clerk of the European Parliament, Claus Schumann, Assistant to the Clerk, and Paul Hornecker, Head of Political Division I, European Parliament

FEDERAL REPUBLIC OF GERMANY: Hamburg

November 9th

Meeting with Herr Wolfgang Schneider and Dr. Rudolf Stoehr, executives of the firm of Alfred Toepfer, international grain merchants

Meeting with Herr Guenther Friedrich, executive director, Coutinho Caro and Company, international steel, metals and chemical firm

Lunch with Rudolf Augstein, founder and publisher of Der Spiegel and the editor, Erich BoehmerMeeting with Klaus Jakoby, editor of Die Welt and with Axel Springer, Jr., son of the publisherMeeting with Henni Nannen, editor of Stern, and staff members Herhard Gruendler and Peter Ebel

November 10th

Meeting with Hoerst Roedinger, executive director, Bergedorfer Gespraechskreis

Berlin

November 10th

Dinner meeting with James P. O'Donnell, free-lance correspondent

November 11th

Meeting with U.S. Mission representatives

Meeting with Jerry Gerts, American director of RIAS, and Lucien Angel, his deputy, and R. Pritzel, specialist for German Democratic Republic

Lunch with Professor Richard Lowenthal, eastern specialist at Free University

Meeting with Shepard Stone, director, and Michael Haltgel, deputy director, of Aspen Institute

November 12th

Meeting with Helmut Dahmen, executive manager, International Center for East-West Cooperation

Meeting with K. von Richthofen, member of the West German representation in East Berlin

Lunch with Lothar Loewe, ARD correspondent in East Berlin

Meeting with U. S. embassy officials in East Berlin

Meeting with Peter Hertz, chief of the Chancery for Lord Mayor Schultz

November 13th

Meeting with Joachim Boelke, editor of Der Tagespiegel

Munich

November 15th

Meeting with U. S. Consul General David Betts and Harry Gilmore, political officer

Meeting with Radio Free Europe and Radio Liberty officials and programmers

November 16th

Meeting with Dieter Schroeder, Senior Foreign Editor and Dr. Joasef Rietmueller, Senior correspondent of Sueddeutsche Zeitung

Meeting with Dr. Alfred Seidl, Minister of Justice, and CSU foreign policy expert

Meeting with John Dornberg, free-lance correspondent

Meeting with Mark Hopkins, Voice of America

Bonn

November 17th	Meeting with Andrew Thoms, U.S. Embassy political section
November 18th	U.S. Embassy briefing
	Meeting with Foreign Office officials responsible for CSCE including Andreas Meyer-Landrut, Goetz Von Groll, Dr. Jurgen Gehl, and Dr. Dietrich Gescher
	Working lunch hosted by State Minister Karl Moersch and attended by Foreign Office CSCE staff
	Meeting with Mr. James Brown, Director of Research, Radio Free Europe
	Meeting with Senior Church Advisor Hermann Kalinna, Evangelical Church of Germany
	Meeting with Dr. Juergen Weichert, senior advisor on German Democratic Republic issues
November 19th	Meeting with Dr. Alois Mertes of the Christian Democratic Union
	Meeting with State Secretary Walter Gelhoff
	Working lunch with Herr Blech, head of the Foreign Office Planning Section and Geneva chief negotiator
	Meeting with Bruno Friedrich of the Socialist Democratic Party
	Meeting with the Federation of German Industries, Cologne, headed by Dr. Hans Joachim Kirchner, East-West trade expert
	Meeting with Mr. Heinrich Vogel, director, and Gerhard Wettig of the Federal Institute for Eastern Scientific and International Studies, Cologne

GREECE: ATHENS

November 12th	Meeting with Steve Roberts, <u>New York Times</u> correspondent
November 14th	Meeting with Mr. Antony Canellopoulos, President, Titan Cement Company

Dinner with U.S. correspondents including Dean Brellis, Time; Marie Brellis, Washington Post and Boston Globe; and John Rigos, UPI

November 15th

U.S. Embassy briefing

Meeting with George Rallis, Minister to the Presidency of the Government and Minister of Education

Meeting with Mario Modiano; London Times correspondent

Meeting with Ambassador Byron Theodoropoulos, Secretary General, Ministry of Foreign Affairs, and Ambassador Anghelos Chorafas, Director of NATO and CSCE affairs, Ministry of Foreign Affairs

HOLY SEE:

November 18th

Meeting with Vatican Secretary of the Council for Church Public Affairs, Monsignor Agostino Casaroli

ITALY: ROME

November 16th

Meeting with Italian Senate President Amintore Fanfani

Meeting with Confindustria President Guido Carli

November 17th

U.S. Embassy briefing

Luncheon with Italian Parliamentarians

Meeting with Hebrew Immigrant Aid Society Director, Evi Eller

November 18th

Meeting with Mrs. Carol Boren, Director, International Literary Association

Luncheon discussion, American Men's Club

Meeting with Ministry of Foreign Affairs Undersecretary Franco Foschi

November 19th

Meeting with President of the Republic Giovanni Leone

Meeting with Ministry of Foreign Affairs Counselor Roberto Franceschi

LIECHTENSTEIN

November 9th Meeting at Foreign Ministry with Count Anton Franz Gerliczy-Burian

LUXEMBOURG

November 10th Meeting with Paul Helminger, Chef du Cabinet, Luxembourg Prime Minister

November 11th Meeting with Christöpher Freiherr von Hammerstein-Loxten, Managing Director, Norddeutsche Landesbank International S. A.

Meeting with Vitali Khokhlov and Valeri Ipatov, vice-president and director, respectively, of the East-West United Bank (U.S.S.R.)

NETHERLANDS: The Hague

November 9th Meeting with C. C. van den Heuvel, Director, East-West Institute and with Institute researchers R.D. Praaning and F.Z.R. Wijchers

Lunch with Dr. A.C.A. Dake, journalist who spent three years in the U.S.S.R.

Meeting with Professor Laurens Brinkhorst, State Secretary for Foreign Affairs

Meeting with M.H.J.C. Rutten, Director General for Political Affairs, Ministry of Foreign Affairs

Mr. Anne Vondeling, Chairman of the Second Chamber of the Dutch Parliament (States General)

Reception with U. S. Ambassador Robert McCloskey, Professor Robert Byrnes ( distinguished Professor of History, Indiana University, expert on Soviet politics and East-West relations ), Andre and Mrs. Amalrik ( Soviet emigre and writer ) and Professor Karel van Get Reve ( Amalrik's publisher )

November 10th Meeting with W. F. van Eekelen, Director for NATO and Western European Affairs

Meeting with N. H. Biegman, CSCE expert, Ministry of Foreign Affairs

Meeting with Willen J. Elzinga and E. A. de Bijl Nachenius, CSCE experts, Ministry of Foreign Affairs

Dinner with Dutch journalists, professors, and parliamentarians

NORWAY: Oslo

November 13th

Meeting with officials from the Foreign Ministry including Helene Andersen, Information officer; Knut Berger, Economic Office Director; Knut Frydenlund, Foreign Minister; Sverre Ghellum, Secretary General to the Foreign Office; Leif Mevik, Under-Director, Foreign Office, CSCE expert; and Mrs. Asse Lionaes, Chairman of the Nobel Committee

Meeting with Per Riste, Norwegian Broadcasting Company and Erik A. Wold, Bureau Chief, Associated Press

November 15th

Meeting with Per Aarstad, Director, Norwegian Export Council

Meeting with Tim Greve, Director, Nobel Institute

Meeting with Per Egil Hegge, Foreign Affairs Editor, Aftenposten

Meeting with John Sannes, Director, Norwegian Foreign Policy Institute, and Anders Sjaastad, Researcher

Meeting with Victor Sparre, sculptor, friend of Sakharov

SWEDEN: Stockholm

November 16th

U.S. embassy briefing

Call on Mr. Wikstrom, Undersecretary of Education and Cultural Affairs

Meeting with representatives of the Ministry of Education and Cultural Affairs headed by Ilmar Bekeris, Chief, International Division

Meeting with the Swedish Institute for Cultural Exchange Director, Per-Axel Hildeman

Working lunch hosted by Hans Danelius, Ministry of Foreign Affairs Legal Division Chief

Meeting with representatives of the Swedish press



Meeting with Lief Salomonsson, Assistant General Manager, PKBANKEN, International Division

November 17th

Meeting with representatives of the World Federation of Free Latvians and the Estonian National Congress in Sweden including Imants Freimanis, Ants Kippar, and Karl Laantee

Meeting with Soviet emigres Valentin Agapov, Igor Berukshtis and Pavel Veselov

Meeting with Polish emigre Aleksander Fojer

Meeting with Foreign Minister Karin Soder

Meeting with Ministry of Foreign Affairs officials including Ambassador Bertil Arvidson and Foreign Service Officer Khirsten Asp

Working luncheon hosted by Political Division Chief Leif Leifland

Meeting with Swedish parliamentarians

Meeting with former Prime Minister Olaf Palme

SWITZERLAND: Bern

November 15th

Meeting with officials of the Ministry of Foreign Affairs including Ambassador Anton Hegner, Head, North American and European Division and Hansjoerg Renk, deputy on CSCE matters

Dinner with Swiss parliamentarians

Geneva

November 15th

Meeting with Mr. John Thomas, Director, Intergovernmental Committee on European Migration

Meeting With Deputy High Commissioner Charles Mace, U.N. Commission for Refugees

Meeting with Janez Stanovnik, Executive Secretary and Arthur Stillman, Senior Advisor, U.N. Economic Commission for Europe

Meeting with Dupley Pinks and Anthony Barlaw of Business International, a research and information firm

Meeting with Caterpillar Overseas, S. A.,  
Vice President Mark Clement

Meeting with Director of Institute for  
International Studies Jacques Freymond

November 16th

Meeting with Melchior Borsinger, Delegate  
General and Nicki Vecsey, Assistant Director  
for Tracing Services, of the International  
Committee for the Red Cross

Meeting with Leonard Seidemann, Director  
of European and North African operations,  
Hebrew Immigrant Aid Society

Meeting with J.J. Niilus, World Council of  
Churches

TURKEY: Ankara

November 9th

U.S. Embassy Briefing

Meeting with Ambassador Ozdemir Benler, Senior  
Advisor to the Foreign Minister on CSCE affairs,  
and Mehmet Ali Irpemcelik, staff of the CSCE  
division of the Foreign Ministry

Meeting with Mehmet Ali Kislali, editor of  
the newsweekly, Yanki

Working lunch with officials of Turkish Foreign  
Ministry including Ambassador Pertev Subasi,  
Deputy Secretary General for Political Affairs;  
Ambassador Hamit Batu, Deputy Secretary General  
for International Security Affairs; Mr. Turgut  
Tuleinen, Director General of Cyprus-Greek Affairs;  
Mr. Omer Ersun, Officer in Charge of CSCE Affairs;  
Mr. Mehmet Ali Irpemcelik and Ambassador Benler

Meeting with Ihsan Sabri Caglayangil, Minister  
of Foreign Affairs

November 10th

Meeting with Mr. Caraca, Director of the Department  
of International Economic Organizations in the  
Foreign Ministry

Meeting with Suleyman Demirel, Prime Minister

Istanbul

November 10th Meeting with Abdi Ipekci, editor of the newspaper, Milliyet

November 11th Working lunch with Turkish Industrialists and Businessmen's Association members, Feyyaz Berker, President

UNITED KINGDOM: London

November 9th U.S. Embassy Briefing

Meeting with Dr. David Owen, Minister of State for Foreign and Commonwealth Affairs, Foreign Office

November 10th Meeting with Amnesty International representatives Martin Ennals, Clayton Yeo, and Nigel Rodley

Meeting with Dr. Christopher Bertram, Director, International Institute for Strategic Studies

Meeting with Foreign Affairs Ministry including Undersecretary of State Reginald Hibbert, Ian J.M. Sutherland, Pauline Neville-Jones, M.A. Marshall and Colin Budd

November 11th Meeting with Professor Z.A.B. Zeman, European Cooperation Research Group

Working lunch with Labor MPs Philip Whitehead, Rod McFarquhar, Ian Wrigglesworth and John Roper

Meeting with Conservative MPs interested in CSCE including Reginald Maudling, Douglas Hurd, Richard Luce, Ian Gilmour, Christopher Tugendhat, Julian Critchley and Peter Blaker

Tea with Conservative and Labor MPs including Leon Brittan, David Hunt, Norman Lamont, Whitehead, Roper, Critchley, and McFarquhar

Meeting with Liberal MPs Jeremy Thorpe and Russel Johnston

November 20th Meeting with Professor John Ziman, Council for Science and Society ( deals with the problems of Eastern bloc scientists and human rights )

November 21st Commission discussion of results of study mission

November 22nd

Meeting with Dr. Stephen J. Roth, Director,  
Institute of Jewish Affairs

Meeting with Rev. Michael Bordeaux, Director,  
Keston College, Kent. The college is a research  
center concerned with religious life in Communist  
countries.

YUGOSLAVIA: Belgrade

November 15th

Meeting with Klaus Bergman, correspondent for  
Swedish newspaper

November 16th

U.S. Embassy briefing

Meeting with Mihajlo Javorski, President, Committee  
for Foreign Affairs, Federal Chamber of Federal  
Assembly; Bogdan Osolnik, Vice President; Dorde  
Popovic and Bogdana Kostic, Associate Foreign  
Policy Committee

Meeting with Peko Dapcevic, Vice President,  
Federal Committee and Dorde Popovic

Working lunch hosted by Ambassador Javorski  
and attended by the staff of the Foreign Affairs  
Committee of the Federal Chamber of the Federal  
Assembly

November 17th

Meeting with Ambassador Milorad Pesic, Principal  
Head, Group for European Security and Cooperation,  
Federal Secretariat for Foreign Affairs ( FSFA )

Meeting with Ambassador Lazar Mojsov, Deputy  
Federal Secretary, FSFA

Dinner hosted by Mrs. Silberman ( wife of the  
Ambassador ) and attended by Mihajlo Javorski,  
Milorad Pesic, Milorad Bozinovic, Special Advisor,  
FSFA and Executive Secretary Designate of Belgrade  
1977 Conference, and Stevan Soc, Staff Chief, Group  
for European Security and Cooperation, FSFA

November 18th

Meeting with Slobodan Ristic, Acting Deputy Director,  
and Otto Denes, former Deputy Director, Federal  
Administration for Institutional, Scientific,  
Educational, Cultural and Technical Cooperation

Meeting with Bronko Bogunovic, Political Advisor,  
Tanjug News Agency

Meeting with Hari Stajner, Foreign Commentator,  
NIN Newsweekly magazine

Meeting with Firdus Dzinic, Director, Public  
Opinion Center, Institute for Social Sciences

Meeting with Richard Gross, UPI bureau chief

Lunch with American Fulbright Grantees

Meeting with Yugoslav students who studied in  
the United States under Fulbright grants

Reception with Mr. Ante Rukavina, Director,  
Fulbright Commission and Miodrag Marovic, NIN  
foreign correspondent

November 19th

Lunch with New York Times correspondent Malcolm  
Browne

## APPENDIX II

### A BACKGROUND ANALYSIS OF THE FINAL ACT

#### BASKET I

#### State-to-State Relations

##### Introduction:

This section of the Final Act includes a ten-point listing of the principles agreed by the signatories to guide relations between them, as well as language "to give effect" to these principles. Nine of the principles deal with state-to-state relations, but the seventh -- the only one dealing with a state's conduct toward its citizens, the pledge of "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" -- has a prominent place in Western public interest.

The following discussion deals with the principles outlining inter-governmental relations. The principle on human rights and civil liberties, its goal, interpretation and implementation, is discussed separately in the next section of this book.

##### Basic Goals:

These are best reflected in the ten titles ascribed to the principles:

- Sovereign equality, respect for the rights inherent in sovereignty;
- Refraining from the threat or use of force;
- Inviolability of frontiers;
- Territorial integrity of states;
- Peaceful settlement of disputes;
- Non-intervention in internal affairs;
- Respect for human rights and fundamental freedoms
- Equal rights and self-determination of peoples;
- Cooperation among states; and
- Fulfillment in good faith of obligations under international law.

Immediately following the Principles is a list of provisions outlining both the applicability of principles and of existing state obligations. Further on is a section of "enabling" language meant to give effect to the 10 principles; it underscores political commitments by the signatory states to refrain from military or economic coercion of other CSCE states, to continue on the path towards disarmament, and to seek resolution of differences by peaceful means.

Key Language:

A. Sovereignty and Related Matters -- Principles I-IV:

Note that, in these principles the attributes of, and respect for, state sovereignty are set forth:

The sovereign States...will respect each other's sovereign equality...the right to juridical equality...to determine its laws and regulations...to be or not be parties to bilateral or multilateral treaties...consider that their frontiers can be changed...by peaceful means and by agreement...have the right to neutrality ...will refrain from the threat or use of force...(do) regard as inviolable all one another's frontiers...will respect...territorial integrity...will refrain from...military occupation...will settle disputes...by peaceful means...will refrain from any intervention (or threat of intervention) in the internal or external affairs of another participating State.

B. State-to-State Relations: Principles V-VI, IX-X:

This part of Basket I ("Preamble") speaks of matters governing particular state-to-state relations. Here one finds specific confirmation that rights and obligations under treaties or other agreements take precedence over the Final Act:

The Participating States will...endeavor to promote mutual understanding...confidence...friendly relations...international peace, security and justice...endeavor to improve the well-being of peoples...through...increased mutual knowledge in the...economic, scientific, technological, social, cultural and humanitarian fields...fulfill their ob-

ligations under international laws...exercising their sovereign rights, including the right to determine their laws and regulations...not(ing) that the present Declaration does not affect their rights and obligations...of...treaties and other agreements  
....

#### C. Self-Determination: Principle VIII:

This section reflects the West German intent to see CSCE language leaving open the possibility for German unification. The caveats in this principle reflected Canadian and Yugoslav concern over their particular national minorities problems.

The Participating States...will respect the equal rights of peoples and their right to self-determination...in conformity with...the (U.N.) Charter and...international law ...relating to territorial integrity of states...All peoples always have the right ...in full freedom, to determine...their internal and external political status...their political, economic, social and cultural development.

#### D. Conditions Governing the Applicability of the Principles:

These serve to identify two major concerns at CSCE: compliance with the Final Act and obligations of states to respect provisions of extant agreements and treaties:

All principles...will be equally and unreservedly applied...and...states express their determination fully to respect and apply them...to their mutual relations...not(ing) that the...Declaration (of Principles) does not affect their rights and obligations...treaties...agreements and arrangements...(to) encourage the development of normal and friendly relations...and...cooperation.



#### E. Disarmament and Peaceful Settlement of Dispute:

This deals with the universal hope for disarmament, and the need to settle disputes peacefully and to refrain from military intervention:

The Participating States will...give effect ...to the duty to refrain from the threat or use of force...refrain from...invasion of or attack...against another participating State ...refrain from any act of economic coercion designed to subordinate...another participating State...to take effective measures towards the ultimate achievement of general and complete disarmament...make every effort to settle exclusively by peaceful means any dispute between them...pursue a method for the peaceful settlement of disputes.

#### Interpretation and Implementation:

The first act of compliance with the Declaration of Principles has already taken place. It occurred when the Final Act was signed in Helsinki on August 1, 1975. By putting their names to the document, the signatory or "participating" States explicitly committed themselves to acceptance of the various principles expressed in the "Preamble." Acceptance, however, did not guarantee uniform interpretation.

Of the many different views about the meaning of the language in the Principles, three areas of likely dispute stand out as the most significant for the Commission's immediate concerns:

Sovereign rights and non-intervention

The Final Act vs. other treaties; and

Full vs. selective implementation

The following analysis treats each of those issues in brief and ends with a note about CSCE and disarmament.

#### Sovereignty, Frontiers and Intervention

Compared to what the USSR sought as language defining the "inviolability" of frontiers and compared to what some Western commentators claimed was "given away" at Helsinki, the Final Act emerges as

an artful compromise and a near-triumph of statesmanship. Frontiers in Europe are recognized as inviolable, but the context of that recognition is not the political one of which Western critics complained. It did not amount to a confirmation of Soviet hegemony in East Europe and over the Baltic states. It is, instead, an understanding that boundaries are not to be breached or changed by force or the threat of its use. The Soviets, indeed, sought much stronger language. What they ended up accepting included a related, though separated, sentence raising at least the possibility of future adjustment of frontiers by peaceful means and mutual agreement.

No political reality was changed by these formulations. Should an occasion arise, as it did in Czechoslovakia in 1968, for the Warsaw Pact to "come to the aid" of a Socialist state with military means, it is to be assumed that Moscow will not call such action "invasion" -- it did not do so in 1968 -- but a response to an invitation. The West can call it what it will, but the Final Act cannot, by itself, prevent such behavior. Nor, conversely, can it dilute Western interest in seeing that all states, including those of Eastern Europe, exercise all the rights of sovereignty the Final Act reaffirms. And the Act does no more than history already had in solidifying the status of Latvia, Lithuania and Estonia.

On a specific question of sovereign rights, the USSR lost another round when the negotiators refused to accept the idea that domestic implementation of the Principles, specifically in Basket III, would be subject to the "laws, regulations and customs" of each signatory. The reference to "customs" disappeared entirely from the text and the Declaration of Principles' sanction for trimming implementation to fit local "laws and regulations" was itself reversed by a reference in Principle X to the signatories' conforming those rules to their "legal obligations under international law."

That phrase presumes a degree of compatibility between internal practices and international human rights law, such as the Universal Declaration on Human Rights. It constitutes, as strongly as any other language in the Principles, the argument that inquiry into internal practices in the field of human rights is not intervention (Soviets use only the word "interference") into off-limits internal affairs. Since the signatories do care about the progress of implementation of the Principles and the more specific provisions of the various Baskets, inquiry is neither a meddlesome nor illegitimate infringement on sovereign rights.

The Legal Status of the Final Act  
in Relation to Other Treaties

It was clear from the beginning of negotiations at Geneva that the final results should be morally compelling but not legally binding. The U.S. was particularly interested in maintaining this distinction in light of the Congressional questioning of the President's right to conclude important agreements without Congressional consent. The nature of the Final Act was established by the concluding clause and the letter which authorized its transmission to the U.N. The first expressed "the high political significance" the signatories "attach" to the Final Act and "their determination to act in accordance with (its) provisions." The second noted that the Act "is not eligible, in whole or in part, for registration" with the U.N. as it would be if it were "a matter of a treaty or international agreement."

The Final Act itself does not have the force of a treaty imposing obligations upon the signatories. All extant and future treaties among the Participating States, or even those involving Participating States with others not a party to CSCE take legal precedence over any and every Final Act provision. Specific language appears time and again in Basket I and throughout the whole Act to reaffirm this basic tenet.

This is a reflection of a general consensus among the CSCE governments to give greatest emphasis to existing agreements or new ones of a bilateral or multilateral nature in implementing various provisions of Basket II and III. This well-established pattern of state-to-state behavior was one the CSCE participants did not want compromised by the features of the Helsinki Accord.

Full or Selective Implementation

In the aftermath of Helsinki, as during the negotiations, it has become clear that different signatories attach differing weights to various parts of the Final Act. The Soviet Union never pretended that it was as interested in the specific provisions of Baskets II and III as it was in the Declaration of Principles. Depending on pre-Helsinki levels of international trade and unrelated post-Helsinki economic fluctuations, the concern with Basket II shifts from signatory to signatory. Within Basket III separate Western states show greater or lesser interest in separate sections: cultural exchange may strike more responsive chords in Paris and Amsterdam than Rome and Ankara; emigration is a matter of direct concern to West Germany, Greece and the United States, but not, at the same level, to Belgium or Spain.

Nevertheless, the Final Act implies no such variety or relativity for its contents. At the end of the Declaration of Principles, on the contrary, there is the following forceful language:

"All the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others."

In effect, this says that signatories should not selectively comply with parts of the Helsinki accord; governments have made instead a political decision to comply with all its features. Realistically, that political decision will be implemented at differing rates of speed and eagerness. But those differences in no way diminish the validity of the standard: the principles (and by extension, the provisions) require equal and unreserved application.

Peaceful Settlement of Disputes and Disarmament:  
The "Enabling" Language Following the Principles

There was no real agreement at Geneva, even among the NATO countries, on how best to deal institutionally with these two difficult concepts. Language in the Final Act makes specific reference only to close examination of a Swiss proposal for establishing a mechanism, supranational in nature, to deal with troublesome political disputes. There was no enthusiasm from any side to go further.

The problem of disarmament is beset with inherent difficulties of defining and changing the military priorities of both the superpowers and the less powerful. At Geneva it became clear that, aside from a polite reference to the desirability for movement towards disarmament, the Helsinki Accord was not the proper forum to deal extensively with this subject. All negotiators at Helsinki were painfully aware that the United States and the Soviet Union would, in any event, deal with the major questions of disarmament at their own slow pace, according to their own military and political priorities, regardless of any language in a CSCE agreement.

## Declaration of Principles: Human Rights

### Introduction:

Even though the United Nations Charter and the Universal Declaration of Human Rights made the subject of civil liberties a matter of international concern long before the Helsinki Accord, the Final Act gave those questions of a state's conduct toward its own citizens a fresh prominence and a new status. By adopting a pledge of respect for fundamental human freedoms, the signatories made their compliance with that promise as significant a measure of their standing in the community of nations as their respect for their neighbors' frontiers or their willingness to settle disputes peacefully. Thanks to Principle VII and the implementing provisions of Basket III, human rights now constitute a legitimate item on the agenda of East-West relations.

### Basic Goal:

Oversimplified, the purpose of Principle VII is to hold all signatories to the levels of tolerance and respect for individual beliefs and rights the Western democracies have enshrined in their written and unwritten constitutions. Realistically, in fighting for the inclusion of this principle in the Preamble to the Final Act, the West won the promulgation of a standard of internal conduct as a measure of international good faith.

Human rights -- defined in Principle VII as "deriv(ing) from the inherent dignity of the human person and essential for his free and full development" -- are acknowledged as a major ingredient of peaceful, cooperative, European behavior. They are not freedoms that can be granted or withheld at the pleasure of any one government without inviting the contempt and distrust of all its neighbors. Respect for human rights is made an aspect of "mutual relations" among the signatories, and their "joint and separate endeavor" to "promote universal and effective respect" of human rights is made a further test of sincerity.

### Key Language:

The participating States will respect human rights and fundamental freedoms...thought, conscience, religion or belief...encourage exercise of civil, political, social, cultural and other rights...will recognize

the freedom of the individual to profess and practice religion...will respect the right of...minorities to equality before the law... recognize the universal significance of human rights and fundamental freedoms...(as) essential...for peace, justice, well-being (and) the development of friendly relations ...among themselves as among all States... confirm the right of the individual to know and act upon his rights...will act in conformity with the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights...will also fulfill their obligations (under)...the International Covenants on Human Rights..

#### Interpretation:

Once the West conceded the inevitability of a European security conference and the likelihood that the Soviets would use it to claim their long-sought goal -- the recognition of the post-war frontiers in East Europe -- the West insisted that the agenda also include its counter-balancing concern: respect for human rights. As early as May, 1970, a NATO Foreign Ministers' communique conditioned Western participation in what was to become CSCE with inclusion of provisions to guarantee civil liberties and fundamental freedoms. The history of the Helsinki and Geneva negotiations of Principle VII and Basket III (which seeks to implement it) is a mirror of the East-West conflict between closed and open societies. The fundamental point is that the Final Act established each state's right to be concerned with the manner in which others show their respect for human rights.

The Soviet stance (Moscow publicists urge the Commission to look to its own problems -- race discrimination in the U.S., maltreatment of American Indians, even West German political loyalty laws conditioning employment) is an extension of the rearguard action the Eastern negotiators fought all the way to the Helsinki summit. Although acceptance of Principle VII by the socialist states was seen as a near-miracle, acceptance was hedged by a maneuver that incorporated a key escape clause into the Principle.

That evasion was the inclusion of a specific reference to the International Covenant on Civil and Political Rights which limits human rights by recognizing that they may conflict with

domestic law "necessary to protect public safety, order, health or morals." Thomas Jefferson might find little problem with that caveat, but in societies where repression, rather than tolerance, is the norm, such considerations can easily be twisted to blunt liberty and perpetuate tyranny.

Fortunately, the reference to the Covenant is placed in Principle VII in a position secondary to placement of the Universal Declaration of Human Rights. The reference to the broad language of the Declaration takes precedence over the more restrictive terms of the Covenant. This fact is based clearly in the history and intent of the CSCE negotiations.

Soviet ideologues argue that the first priority in human rights is concern for economic security. Socialist states, by definition, promote that right; all their other conduct is inevitably humanitarian. "Bourgeois" freedoms are secondary concerns, and the Western obsession with them is just a whitewash for the "democracies'" failure to assure justice where it counts: in employment and social security.

#### Implementation

The Final Act was never perceived as a magic wand, eradicating in two years of negotiation or three days of summitry the historical differences in political philosophy and practice between East and West. Nor is Principle VII, no matter how innovative in post-war diplomacy, a promise of immediate change.

Depending on the evidence chosen and the context in which it is put, it is possible to argue either that repression has been tempered since Helsinki or has simply taken new forms. In the Soviet Union, for instance, three political trials -- those of Sakharov associates Sergei Kovalev and Andrei Tverdokhlebov and that of Crimean Tatar activist Mustafa Dzhemilev -- in 1975 and 1976 have ended with marginally lighter sentences than might have been pronounced a few years before. Such an optimistic reading of the evidence, however, begs the question of why such trials should be held at all and why stiff sentences, such as that upheld on appeal for Russian nationalist Vladimir Osipov or Jewish demonstrators Mark Nashpits and Boris Tsitlyonok, are still given for the expression of dissenting beliefs.

The Soviets maintain that no one is imprisoned for "beliefs" alone, only for "actions" subversive of public order. (Under pressure from the French Communist Party recently to reconsider the 12-year sentence given Vladimir Bukovsky in 1972, Deputy Justice

Minister Alexander Sukharev gave a newspaper interview stressing that Bukovsky was guilty of seeking to overthrow the Soviet regime -- presumably by sending an account of conditions of political prisoners in Soviet mental hospitals to the West for publication.) Officially, there are no political prisoners -- and no special status for them -- only criminals. Similarly, the fine line between professing a religious belief and practising it is a grey area. In widely varying degrees, church attendance is rising in the Soviet Union and some Eastern European countries at the same time, if not pace, that the barriers rise between worship and proselytization.

There is no question that these are matters of internal practice. There is also no question that they have become, for many Westerners, matters of international concern.



Confidence Building Measures (CBM's)

While most of Basket I is a discussion of principles -- relations among states, human rights and the like -- a small section announces specific agreement on steps to reduce tensions between potential combatants. This "CBM" section of Basket I describes how Participating States will, on a voluntary basis, let others know about certain military maneuvers on the European continent and -- when they so choose -- invite representatives from other states to observe them.

There is further mention, albeit in terms implying a weaker commitment by the signatories, that states "can" notify one another of military movements in Europe as well and that this question should be studied further. The strategic importance of knowing where your opponent is placing his pieces is reflected in this provision; conversely the likelihood may be small that states East, West or Neutral will actively volunteer information to potential foes on the location of major military units.

Key Language:

The Participating States,...recognizing that the exchange of observers by invitation at military maneuvers will help to promote contacts and mutual understanding...convinced of the political importance of prior notification of major military maneuvers...recognizing...a voluntary basis...will notify their major military maneuvers anywhere in Europe...exceeding...25,000 troops...in the case of combined maneuvers which do not reach the above total...notification can also be given. In...a...state whose territory extends beyond Europe, prior notification need be given only of maneuvers...in an area within 250 kilometers from (that State's) frontiers facing or shared with any other European participating State...21 days or more in advance...or in the case of a maneuver arranged at shorter notice...at the earliest possible opportunity prior to...starting date. The Participating States will...voluntarily invite...observers to...military maneuvers; (They) may notify their major military movements.

Standards of Conduct:

These are straightforward:

-- Have states voluntarily notified others of military maneuvers (in cases of states extending beyond Europe within 250 kilometers of their frontiers) of 25,000 troops or more?

-- Has notification been made 21 days in advance?

-- Have observers been invited to these maneuvers? Have those invited attended?

-- Have smaller maneuvers been notified as well? (There is no definition of how far in advance notification of smaller maneuvers is made, nor of the 250 kilometer limit, nor of how or whether observers are to be invited.); and

-- Have there been notifications of movements?

Implementation:

NATO, neutral and Warsaw Pact countries have complied on "major movements." The Soviets have announced two major maneuvers and invited a small number of Western military observers to witness them. Poland has similarly notified a major Warsaw Pact maneuver in which Soviet and other Communist troops participated. NATO countries since Helsinki have announced and invited on several occasions, extending invitations in most instances of major maneuvers to all CSCE nations. Notably, Hungary has complied once, with the second CBM ("other maneuvers") provision as well, announcing a day in advance that a small-scale exercise would take place. Also, Hungary has notified a joint small maneuver with Soviet troops to take place in Hungary. The NATO allies, and some neutral states have notified smaller maneuvers.

Measuring Further Implementation:

The precise specifications in the CBMs already have permitted both East and West to judge the quality of compliance by the signatories in each instance of notification. Clearly there has been a demonstrated intent by the Soviets and the West to try to give effect to the CBMs.

Even before CSCE, the U.S. and other NATO countries made it a practice to issue press releases conveying the fact of various

military maneuvers. There also have been occasions, many prior to the CSCE negotiations, where one or another NATO country unilaterally invited Warsaw Pact military representatives to observe military maneuvers. Thus, in the West -- and for the United States and NATO countries in particular -- compliance with the CBM's causes little agony and, in fact, reflects a continuation of practice instituted in principle many years ago. In the East, it has resulted in a slight opening-up of the previous secrecy of maneuvers. It is also notable that, despite a few mistaken press reports to the contrary, the Warsaw Pact states have not held maneuvers of 25,000-plus in the area of notification without making such notification.

## BASKET II

Introduction:

Economics is politics. Basket II, the emphasis of which is the need to improve trade relations on the European continent, is simply a complex expression of this maxim. Its motivation is clear: the more productive economic ties are, the more stable political relationships become. This, the lengthiest section of the Final Act, starts from that basic concept:

"The Participating States (are) convinced that their efforts to develop cooperation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in the world as a whole."

There is no argument about the principle and little evidence that Basket II plowed new ground in expounding and specifying its practical meaning to international conduct. But if the negotiators did nothing else, they did define an agenda for an area of great importance, an area where, perhaps with impetus from Basket II, patterns of cooperation in economics, commerce and technology may emerge from the maze of disparate national interests.

The areas where agreement reflects only a vague consensus on accepted international practice are probably just as important for the future as the ambitious list of specific cooperative ventures to be encouraged. The backhanded reference to most-favored nation status, (defined only as "desirable"), for instance, reflects not just U.S. reservations, such as the Jackson-Vanik amendment linking MFN to emigration policies, that limit East-West trade. It also accommodates Common Market practices restricting imports. CSCE could not remove these barriers. Implicitly, it acknowledged their existence but gave a 35-nation sanction to bilateral and multilateral efforts to overcome them.

In a way similar to Basket III's elevation of individual rights to a matter of international concern, Basket II mirrored another significant trend in world affairs. It made states formally the champions of the individual businessmen and business firms among their citizens in dealings with other states.

But its overall contribution to the European dialogue remains its function as an expression of the economics-is-politics maxim. States of differing, even rival, ideologies and systems agreed, at least, on that. The interest in Basket II they showed honors a new twist on an old saying: now the flag follows trade.

Business Contacts and InformationBasic Goal:

These two key sections are the focus of the major U.S. and Western European post-Helsinki interest in Basket II. They call upon CSCE states to improve business conditions and provide improved, coherent commercial and economic data needed for a nation's business community, be it in state or private hands.

Key Language:

## (Business Contacts)

The Participating States...will take measures further to improve conditions for the expansion of contacts between...official bodies...enterprises, firms and banks...for the purpose of studying commercial possibilities, concluding contracts...and providing after-sales services ...will...take measures aimed at improving working conditions of (trade and commercial) representatives...by providing the necessary information...on legislation and procedures relating to...permanent representation...by examining as favourably as possible requests for ...permanent representation...by encouraging the provision...of hotel accommodation, means of communication, and...other facilities... as well as of suitable business and residential premises....

## (Information)

The Participating States...will promote the publication and dissemination of economic and commercial information at regular intervals and as quickly as possible, in particular: statistics concerning production, national income, budget, consumption and productivity...foreign trade statics...laws and regulations concerning foreign trade...information allowing forecasts of development of the economy....

Standard of Conduct:

Unlike the first chapters of Basket II, there is a degree of specificity in this language which allows observers to ask:

-- do signatory state governments allow permanent business representation on their territory?;

-- does this representation, if permitted, function at a disadvantage with respect to domestic business or commercial establishments?;

-- does it have access to reasonable facilities -- offices, homes, telephones, transport, telex?;

-- can representatives travel freely and meet competent host-country officials?;

-- can they bank, convert currencies, repatriate profits?;

-- do they have access to -- or are there any -- key economic and commercial statistics on national economies and specific industries?; and

-- can they advertise? Do market research?

These are but a few of the specific questions keyed to this portion of Basket II. But they reflect a consensus, in the West, that the Basket II business and information provisions constitute a sort of "enabling legislation." They provide governments legitimate openings to ask -- in the Soviet Bloc, specifically -- that concrete steps be sponsored to improve opportunities for commercial interests to do business.

Implementation:

A basic limiting factor in improving business facilities in some CSCE countries is the shortage of adequate physical resources. When offices are not made available to foreign firms, the failure is not necessarily an affront to "capitalist" elements. Often there is not office space for anybody. Telephones may be in short supply generally. Advertising talent and resources are sparse or unavailable. Good secretarial help is hard to come by and hotel space generally below par. Even though decrees have been promulgated in several East European countries to alleviate this situation and aid outsiders, Basket II implementation cannot be expected to change facts of life.

On information, the U.N. Economic Commission for Europe has taken preliminary steps to help standardize previously non-comparable statistics. The traditional Eastern secrecy in regard to basic economic data is also, slowly, eroding. But in many Eastern countries market research information of the kind Western businessmen are used to having is simply not available; it is not gathered. In solving these problems, this section of Basket II amounts to a nudge in the right direction.



## Industrial Cooperation and Specific Projects

### Basic Goal:

The basic, but inevitably long-term goal of this section is to advance the progress of market and non-market economies toward common work -- even joint ventures -- in industrial production, exploitation of energy resources and improvement of transport.

### Key Language:

The Participating States...propose to encourage...industrial cooperation...by means of intergovernmental...bilateral and multi-lateral agreements...contracts between competent organizations, enterprises and firms ...going beyond the framework of conventional trade...to join production and sale...exchange of know how...patents and licenses...joint research...consider it desirable to improve ...information relevant to industrial cooperation...to facilitate business contacts...protect(ing) interests of partners in...cooperation...consider(ing) that...energy in (is a suitable field for) strengthening long term cooperation...also electrical energy within Europe...roads and networks...transportation.

The Participating States...consider it desirable to increase cooperation on standardization...recommend...arbitration clauses in commercial...and industrial cooperation contracts, or in special agreements.

### Interpretation:

There are no precise standards of conduct to be derived from this section. Like other parts of Basket II, it reflects more than anything else the actual status -- at the time of the Helsinki negotiations -- of patterns of European economic cooperation, rather than any further strong commitment to solidify those variegated tendencies and build specific hopes on them.

Implementation:

The section is basically a catalogue of suggestions -- few of them novel -- to improve international business cooperation. It recognizes that such cooperation in the future, as in the past, depends most of all on bilateral initiative. Watching the development of those initiatives, it will be important to see the extent -- if any -- to which this section propels the signatory governments to speed a process already well begun by individual firms.

One area to watch is the progress of negotiations between the Common Market and Comecon to establish formal relations, eliminate such trade barriers as the lack of MFN and quantitative restrictions on imports (from the East, in this case) and harmonize internal trading relations. Citing the Final Act, Comecon asked for such negotiations in February, 1976, knowing that the Nine, a year earlier, had agreed on a common negotiating front on trade agreements. In responding to the Comecon initiative, the Nine face their hardest task in trying to agree among themselves on which of their internal trading practices -- such as common agricultural tariffs, production subsidies, import quotas -- can be compromised.

Another area of implementation centers on the delicate political questions of technology transfer. There is no question of the hunger of the have-nots for the know-how of the haves. Although this section outlines channels for satisfying that appetite, it does not really oblige signatories (it only encourages them) to part more readily than before with their hard-won scientific edge and the economic benefits they derive from being one leg up in the race for applied knowledge.

TradeBasic Goal:

The Basket II text on trade stresses efforts by states to promote trade and to remove obstacles to trade development.

Key Language:

The Participating States...aware of (their) diversity...emphasizing the need for promoting stable and equitable economic relationships...are resolved to promote...expansion of trade...and economic conditions favorable to such development, (recognizing) the beneficial effects...of most-favored nation status ...the importance of bilateral and multilateral agreements...will endeavor to reduce or... eliminate all kinds of obstacles to development of trade...(recognizing) that market disruption...should not be invoked...inconsistent with...their international agreements...taking into account the interests of developing countries throughout the world...emphasize the need for stable and equitable international economic relations...take into account the work already undertaken by the relevant international economic organizations...wishing to take advantage of, in particular, the United Nations Economic Commission on Europe....

Interpretation:

This section provides no firm standard of conduct because the provisions are couched in general language with little force, except for:

"will endeavor to reduce or progressively eliminate all kinds of obstacles to the development of trade"; and

"will foster a steady growth of trade while avoiding as much as possible, abrupt fluctuations."

The imprecision of this language is a reflection of the complexity of existing bilateral and multilateral trade arrangements and the inadequacy of CSCE as a forum in which to resolve such long-standing contradictions.

#### Implementation:

Compliance with the Final Act provisions in this section rests on the initiatives states themselves take to expand bilateral and multilateral approaches to increased commercial exchanges disguised to benefit their respective domestic economies.

Trade expansion is both a CSCE and a national goal. Basket II speaks of the desirability, where possible, to such expansion through multilateral mechanisms given specific impetus by CSCE governments. Yet the two major initiators find their roots deep in pre-Helsinki history -- the EEC and COMECON. Both are beset with problems of defining trade patterns among their own memberships as well as with non-members.

Basket II on trade broke no new ground in identifying these as important questions. It reaffirmed a generally shared view that the responsibility for forward movement on trade inevitably rests with governments alone.

Put simply, the problem of improving trade among CSCE states cannot be viewed in a CSCE context. Therefore, inability to resolve them quickly -- with the Act signed -- should not be ascribed to one or more states' unwillingness to live up to Basket II provisions.

#### Most Favored Nation Status (MFN's):

Among the Basket II problems is MFN, a matter mentioned in the text in a non-committal fashion. For widely disparate reasons, Western governments have serious reservations with respect to allowing heavily subsidized Eastern economies to enjoy the same trade advantages which exist, for example, within the Common Market. The EEC Nine themselves still have far to travel before their own intertwined economies are free from pronounced market disruption generated from within. Extending the EEC tariff privileges just to other Western European nations is a difficult enough question for them to treat, requiring careful analyses of the potential damage to fragile sectors of the Common Market countries' markets before allowing new pressures from outside. It is simply too early to consider, in addition, a wide opening to the state economies of the East as well.

The United States too has its own bilateral interests to consider regarding MFN. They vary from country to country. There are, in addition, the well-known legislatively-imposed restrictions on MFN with the U.S. -- emigration, limits on available credits, annual review of MFN eligibility -- which have been found unacceptable or troublesome by the USSR and Eastern European countries, even those who enjoy MFN with this country.

#### Market Disruption:

There is a matter-of-fact statement in Basket II that trade in specific commodities should not be conducted in a manner to cause injury to another state. One common form of disruption is the passing on of one state's surpluses to another at prices below actual cost. It happens all the time in the West, and it is not to be expected that this section of Basket II will soon alter such practices.

#### Trade Barriers:

Often the consideration of trade barriers begins and ends with analyses of tariffs. The CSCE participants clearly had in mind a broader view -- specifically including non-tariff trade barriers, a subject of international acrimony for 30 years at least.

Common Market countries for years have voiced specific concern over U.S. non-tariff barriers -- emission controls on cars, labeling requirements, pesticide levels in agricultural imports -- as signs of American resistance to alleviating various non-tariff barriers to trade. Just as intensely, Western Europe has criticized its Eastern neighbors for failing to remove the bureaucratic and regulatory hurdles which delay or even block movement of goods, funds or even the people who buy and sell them. The Helsinki Accord did include an active role for government focused on proposing methods to remove these barriers. This criticism is justified where appropriate, but the critic should be aware of his own vulnerability.

Science and Technology Exchange, the  
Environment, Transportation, Tourism,  
Migrant Labor and Technical Training

Basic Goals:

These portions of the Final Act, taken together, outline possible starting points for multilateral European efforts to improve their exchanges in specific areas of pure and applied science. By extension, they speak of a common, broader interest of the signatories in addressing -- cooperatively -- such global problems as food and energy. Less clearly, they acknowledge the global significance of progress in environmental protection.

Key Language:

(Exchange)

The Participating States, convinced that scientific and technological cooperation... assists the effective solution of problems of common interest and the improvement of the conditions of human life...express their intention to remove obstacles to such cooperation...through the improvement of opportunities for the exchange and dissemination of...information...international visits...wider uses of commercial (research) channels and activities...(in) agriculture...energy...transport technology...physics...chemistry...meteorology...space research...medicine and public health...environmental research...

(Environment)

The Participating States affirming that... many environmental problems, particularly in Europe, can be solved effectively only through close international cooperation... agree...to take the necessary measures to bring environmental policies closer together and, where appropriate and possible, to harmonize them...will make use of every suitable opportunity to cooperate in...control of air

pollution...water pollution...land utilization...nature conservation....

(Transport, Tourism, Labor and Training)

The Participating States...consider it desirable to promote...safety in road, rail, river, air and sea transport...express their intention to encourage increased tourism on both an individual and group basis...to ensure...the conditions under which the orderly movement of workers might take place while at the same time protecting their personal and social welfare...to ensure equality of rights between migrant workers and nationals of the host countries...to encourage...training in...management, public planning, agriculture and commercial and banking techniques....

#### Standards of Conduct; Interpretation:

As elsewhere in Basket II, the general desiderata expressed in these sections are uncontroversial, but except as specific projects come into being, it is hard to define criteria for compliance. Good will and the energetic pursuit of some of the truly ambitious activities listed as worth encouraging will be the best tests of the momentum these sections give to a wide spectrum of cooperative activity. But such tests are basically subjective.

Without stretching a point beyond bearing, however, it is possible to view concrete progress under these sections, and especially in the relevant areas of scientific and technological exchange, as a partial measure of the commitment of individual countries to work together on the global agenda of energy, food, environmental and even population problems. No set of signatories can claim a much brighter record of accomplishment in these areas than any other set, but the Western nations may have the opportunity -- citing the thrust of these sections -- to ask some Eastern signatories to put their energy where their rhetoric is.

#### Implementation:

Repeatedly in these sections, the United Nations Economic Commission for Europe is named as an agent for devising and expediting specific cooperative programs. Referring directly to this part of the CSCE, First Secretary Brezhnev proposed last February that the nations of Europe gather in Moscow, but under the aegis of the ECE,

to tackle problems of cooperation in energy development and use. He also proposed separate transport and environment conferences, without specifying any venue. All three proposals are under ECE consideration, but many CSCE states, including the United States, preliminarily regard such meetings as premature, and some specifically object to the idea of holding the energy session in Moscow, rather than at ECE headquarters in Geneva.

This attitude reflects both a distrust of Soviet grandstanding and a feeling that the ECE should cut its teeth first on exploring the limits of cooperation in narrower areas before taking on broader, nearly global, concerns. Also, there is a preference for using the Belgrade follow-up session to test the general atmosphere of CSCE cooperation before proceeding to other meetings of the signatories.



Basket IIb: Questions Relating to Security and Cooperation  
in the Mediterranean Area

Basic Goals:

In this section of the Final Act, inserted between Baskets II and III, the participating States acknowledge that the strengthening of security and cooperation in Europe is linked with the eventual peace and security of the Mediterranean area. The participating States signify their interest in furthering economic and political contacts with all the countries of the Mediterranean area with the intention of eventually reducing the level of armed forces and of tension in the area.

Key Language:

1. "The participating States...convinced that security in Europe is to be considered in the broader context of world security and is closely linked with security in the Mediterranean area as a whole, and that accordingly, the process of improving security should not be confined to Europe but should extend ...in particular to the Mediterranean area...."

2. "In order to advance the objectives set forth above, the participating States also declare their intention of maintaining and amplifying the contacts and dialogue as initiated by the CSCE..to include all the States of the Mediterranean, with the purpose of contributing to peace, reducing armed forces in the region...lessening tensions in the region...."

Interpretation:

The impetus behind the inclusion of this section in the Final Act came from a few countries, particularly Malta and Yugoslavia. The view of the small group at Helsinki (Yugoslavia, Malta, Cyprus, and to some extent Romania) has been all along that the CSCE idea must be gradually expanded to include the Mediterranean area and eventually the rest of the world. These countries have persistently advocated that the CSCE states must include the non-participatory

States in discussions of the follow-up aspects of CSCE and of the particular interests of the non-aligned countries. This idea had little support and was tolerated under some pressure.

Compliance:

There has been no substantive action taken in this area since Helsinki by any of the Western or Eastern powers, largely because there was little interest. Even the sponsoring countries have taken no apparent action.

## BASKET III

Introduction:

For many in the West, the provisions of Basket III are the touchstone of the Final Act. The inclusion of humanitarian principles involving the freer movement of people, ideas, and information was a prerequisite the Western nations set for the initial Helsinki talks. The Soviets and East Europeans reluctantly accepted the inclusion of such principles because of the importance they attached to the other agenda items.

During the negotiations, the West obtained specific provisions to improve freedom of movement and general living conditions for the citizens of Eastern Europe and the Soviet Union, while the Warsaw Pact nations tried to qualify and generalize those provisions as best they could.

The result is a text that is less detailed than Basket II and more open to controversy and differing interpretations. The very inclusion of specific Basket III provisions (and Principle VII of Basket I) has made humanitarian considerations, without any question, a legitimate issue in East-West relations.

Basket III is essentially about international movement - of individuals, information, and ideas. It is divided into four sections which reflect those three "movement" areas. The first section, Human Contacts, covers the specific provisions for implementing the principle of freer movement of people by lessening some of the restrictions on family reunification and travel. Section two expands the principle of freer movement of information by outlining specific measures to increase the dissemination of and access to information. The final two sections on the freer movement of ideas contain measures to encourage increased cultural and educational contacts and exchanges.

Over all, it is the stated hope of Basket III that the implementation of these four sections will "contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality."

## Human Contacts

### "Emigration" - Family Reunification and Marriage Among Citizens of Different States

Nowhere in the Final Act is there a direct mention of the right of all citizens to emigrate. In the course of the negotiations, the West sought to include the principle outright, but the Soviets and East Europeans, fully aware of the implications of such a provision, successfully excluded it. Therefore, the Final Act only indirectly and weakly supports the right to emigration by referring to the Universal Declaration of Human Rights in Basket I and directly only in cases involving the reunification of families and spouses in Basket III.

#### Basic Goals:

In the Final Act all the states declare their readiness to modify, simplify and ease the attitudes, procedures, and conditions for those requesting to leave in order to be reunified with families, and particularly with spouses, living in other states.

#### Key Language:

"The participating States...make it their aim to facilitate freer movement and contacts... will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family...will examine favourably...requests for exit or entry permits from persons who have decided to marry a citizen from another participating State..."

#### Standards of Conduct:

1. The states are to facilitate freer movement among peoples. Such "facilitation" specifically includes:
  - a. Attitudes - dealing positively with those wishing to emigrate in order to be reunified with families and spouses.
  - b. Procedures
    1. Processing applications as expeditiously as possible.

2. Lowering fees connected with emigration to a moderate level.

3. Reconsidering application renewals at reasonably short intervals.

c. Conditions

1. Presentation of emigration applications will not modify the rights or obligation of the applicant.

Interpretation:

Basket III deals specifically with emigration only for the purpose of reuniting families. Western nations, which have long had a strong interest in this subject, often point to the Basket I, Principle VII reference to the Universal Declaration of Human Rights as providing a foundation for broad expectations of free emigration. The Declaration (Article 13/2) states that "everyone has the right to leave any country, including his own, and to return to his country." The Final Act -- but only in Principle VII -- says the "states will act in conformity with...the Universal Declaration..."

Implementation:

--"The participating states make it their aim to facilitate freer movement."

The difficult question of whether the accords have had an appreciable effect on the rate of emigration from East to West has yet to be adequately answered. Largely as a result of a Polish-West German agreement which was concluded in principle at Helsinki, 14,901 Germans were allowed to leave Poland in the first seven months of 1976, while only 3,153 left in the same period last year. Three to four times more Germans were allowed to leave the Soviet Union in the first seven months of this year than any previous complete year. According to American sources, the Soviets issued twice as many visas allowing their citizens to emigrate to the United States in the first half of 1976 as they did for the same time last year. A large number of these emigrants are Armenians, many of whose compatriots in past years moved to Lebanon. Romania has also increased the number of exit visas granted to the U.S., but the numbers emigrating to Israel have dropped.

Jewish emigration from the Soviet Union has also dropped from over 35,000 in 1973 and 20,000 in 1974 to 13,000 in 1975 and

approximately 1,100 a month in 1976. The Soviets claim they have been fulfilling the provisions of the Final Act and that the drop is attributable to a decline in the number of applications. However, the fact that a constant number have been leaving each month would suggest that the Soviets have set a specific, permissible rate of emigration. The National Conference on Soviet Jewry estimates that 150,000 Jews would leave the Soviet Union if they could. The Conference also claims that 2,000 Jews have continually been refused visas, and that many of them have been waiting for one for as long as six years. While applications may have in fact declined, the drop could be more a result of the psychological atmosphere in the Soviet Union than of a declining interest in emigration.

--"The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family."

U. S. Embassies have compiled representation lists of Soviet citizens who wish to join families in the U.S., and there has been an approximate 30% resolution rate of those cases since CSCE. Because the lists were completely revised and updated since CSCE, it is difficult to say whether the Soviets have improved their performance in this regard. A new list was presented to the Soviets in August, 1976. Most of the unresolved cases are older ones, generally involving residents of the Baltic states.

--"(the States) will deal with applications in this field as expeditiously as possible."

The Soviets have altered some visa practices after Helsinki, and while some see these as mere token changes, they are important because they mark the first time the Soviets have officially spelled out and published the rules for emigration. Character references from one's place of work signed by the boss, trade union chief, and Party leader for those who wish to emigrate are no longer required. However, an applicant still needs a certificate verifying his place of work.

Another change has been that initial applications are now processed through local officials rather than through higher and less accessible authorities.

--"They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level."

The Soviets have lowered their exit fees from 400 to 300 roubles since Helsinki, although the total costs for leaving still amount to a four-month average wage, a questionably "moderate" level. Hungary, too, has lowered exit fees. New regulations have also made it next to impossible for Soviet citizens to receive hard currency and packages from abroad - cutting off an important source of income for many who wish to leave and have no other financial support while they await permission.

--"Applications...which are not granted may be renewed...and will be reconsidered at reasonably short intervals."

Applications rejected since Helsinki can be reconsidered in the Soviet Union every six months instead of every year, but in 1976 only a handful of applications "reconsidered" have been granted.

--"Fees will be charged only when applications are granted."

The 40 rouble passport fee in the U.S.S.R. does not have to be paid for reapplications.

--"The presentation of an application...will not modify the rights and obligations of the applicant."

Many who have left the Soviet Union and many still there now complain of the harassment and intimidation they were (are) subject to because they applied for exit visas. The complaints include being forced to give up jobs, being expelled from universities, being threatened with arrest or the draft.

--"The participating States will examine favourably requests for exit or entry permits from persons who have decided to marry a citizen from another participating State."

The practice varies from country to country and "to examine favourably" means to approach each case with a positive attitude but it does not require a positive decision.

#### Conclusion and Future: Questions

Despite the serious language limitations of the text (freer movement, intend to facilitate, will deal in a positive spirit) and the fact that the Final Act does not affirm outright the right to totally

free emigration (a fact which reflects the realities of the situation in Europe), this is one area of the Accords where implementation can be measured quantitatively. The Soviets and East Europeans seem to have accepted the principle that people have the right to emigrate to join families and have qualified their total compliance with that principle by using the argument that emigration requests have declined or that, in specific instances of denial, the persons concerned were privy to state secrets and their emigration would harm the national interest.



Travel: Regular Family Meetings and Personal and Professional Meetings

Basic Goals:

The states are to have as their goal the easing of freer movement and contacts among people and organizations, and they are to do this by relaxing restrictions and simplifying procedures for those who wish to travel abroad, and specifically for those who wish to meet with members of their family, and by promoting tourism and exchanges.

Key Language:

--"The participating States...make it their aim to facilitate freer movement and contacts ...will favourably consider applications for ...travel...in order to visit members of their family...intend to facilitate wider travel by their citizens...intend to promote the development of tourism...the further development of contacts and exchanges among young people... religious faiths, institutions and organizations...(and) in the field of sport."

Standards of Conduct:

1. Freer movement, wider travel - the key here is whether there has been any movement since CSCE on the question of free movement among people. Specifics:

a. attitudes - favourably considering applications of those who wish to meet with their families in different countries

b. procedures

1. granting visas for those who wish to meet with family no matter where that may be, granting such visas within acceptable time and monetary limits

2. simplifying the procedures and lowering the fees required for exit and entry visas

3. easing the restrictions imposed on citizens of the other states travelling within their borders ("with due regard to security requirements")

4. encouraging increased contacts of young people and athletes through regular programs, exchanges, and multilateral and bilateral agreements.

5. promoting tourism by improving facilities and easing procedural requirements.

#### Interpretation:

The West, in including most of these provisions, was clearly looking to a qualitative change in Soviet and East European attitudes toward the movement of people. While quantitative considerations are important as a yardstick for measuring such change, the Soviets have used figures and statistics to justify their compliance and to chide the West for non-compliance.

It is important to note that the Act recognizes the fact that nations will not fling their doors open to let people in and out. The language is particularly vague in the travel section (the States intend) and seeks only to lessen restrictions on travel to and from both Eastern and Western Europe since Western nations also have visa restrictions on those coming in to their countries.

#### Implementation:

--"will favourably consider applications for travel"

The Hungarians and the Poles have been particularly good about allowing their citizens to travel to meet their families, but they did so before Helsinki as well. The other countries of Eastern Europe and the Soviet Union still do not grant all their citizens that right.

--"intend to facilitate wider travel by their citizens"

Western negotiators were successful in including the word "citizens" rather than groups, as the Soviets wanted, but there has been no noticeable improvement in the numbers of East European and Soviet visitors to the West. Although the Soviets regularly cite statistics showing the millions of Soviet tourists who have travelled abroad, there is never any indication that such travel has been facilitated or that more people have travelled since CSCE. The bulk of Soviet tourism is still within the bloc.

--"intend to simplify and administer flexibly the procedures for exit and entry...to lower, where necessary, the fees for visas"

Procedures for exit and entry are still not administered flexibly in the Warsaw Pact nations. Citizens must still apply through government channels rather than directly to the consulate concerned. But here the Soviets chide the West for non-compliance: Western visa fees have not been reduced; it regularly takes an Easterner three weeks to get an American or Italian tourist visa, while it only takes a week, according to the Soviets, to get a Soviet one and only a matter of hours for some East European countries. Of course, they do not mention all the visas that have been refused. Again, it is the specific differences that are important. Most travel from the Warsaw Pact countries is to other Pact allies, but non-convertible currency is a big factor.

--"to ease the regulations concerning movement of citizens from the other participating States in their territory...to facilitate the convening of meetings as well as travel by delegations, groups, and individuals."

The countries of Eastern Europe criticize U.S. non-compliance because of the McCarran/Walter Act and the restrictions the State Department places on the visits of Soviet trade union representatives. (Sensitive to the latter point, U.S. negotiators managed to exclude any reference to union leaders from the Final Act.)

--"to further the development of contacts and exchanges among young people...religious faiths...and in the field of sports."

More information needs to be gathered on whether contacts have increased.

--"intend to promote the development of tourism."

Most countries comply because of the economic interest in tourist spending.

#### Conclusions and Questions:

On the East's performance, it is important to stress what changes have been enacted and the qualitative differences on the question of reciprocity. The West has not taken action on the specific

provisions of the section, and it is important to be aware of that. While the "spirit" of the Accords is crucial to our concept of "compliance", it is really only the implementation of the specifics that is measurable.

InformationBasic Goals:

Section 2 of Basket III, which deals with the flow of information, has two basic goals: (1) to increase the freer and wider circulation and exchange of printed, filmed and broadcast information of all kinds; (2) to improve the working conditions of journalists stationed abroad, allowing them to travel more freely among the countries to which they are assigned, and to have greater opportunities for travel and greater access to sources within these countries.

Key Language:

Excerpts from Section 2 of Basket III of the Final Act which pertain directly to the above-mentioned goals are:

1. "The participating States make it their aim to facilitate the freer and wider dissemination of information of all kinds...to improve conditions under which journalists from one participating State exercise their profession in another...."
2. "The participating States express their intention in particular to facilitate...the dissemination...of newspapers, printed publications, periodicals and non-periodicals from other participating States...to gradually increase the quantities and number of titles of newspapers and publications imported from other participating States."
3. "The participating States...intend in particular, to: grant to permanently accredited journalists of the participating States, on the basis of arrangements, multiple entry and exit visas for specified periods; ease...travel by journalists in the country where they are exercising their profession...increase the opportunities for journalists...to communicate personally with their sources, including organizations and institutions.

Areas of Measurable Compliance Section of Basket III:

There are two major monitoring points of Information:

1. Improvement in the circulation of, and access to printed filmed and broadcast information.
2. Improvement of working conditions for journalists.

Interpretation

a. General Considerations:

It would be unrealistic to expect immediate far-reaching changes in the dissemination of information, and in the treatment of foreign journalists on the part of the Soviet Union and the East European countries. Change in this area, as well as in human contacts and cultural and educational exchanges will be piecemeal and gradual and will proceed, either on the orderly basis of bilateral agreements or, in the immediate future, in piecemeal unilateral gestures.

Furthermore, the momentum behind freer information flow is not a problem for the East alone. While Soviet treatment of foreign journalists is vastly more restrictive than the treatment of Soviet journalists in the West, and the circulation of Western journals is still tightly controlled in the USSR, the record of the West, regarding circulation of and access to books, films and other cultural material of the Soviet Bloc countries, should be improved. The trouble is that Western governments can do little to stimulate public taste and demand for Eastern cultural output. Basket III emphasizes that the circulation of and access to information applies to information of all kinds; it is not limited to "certain kinds" of information determined unilaterally by each signatory.

The position of the United States and other Western nations has been to encourage the flow of information of all kinds. The Soviet Union and its allies, on the contrary, have not as yet taken significant steps to broaden or widen the flow.

b. Soviet Strategy:

The Soviet Union and its allies defend continued censorship as an "internal" matter -- often citing Western pornography or promotion of race hatred and violence -- and fudge a point in the

Basket I principles by alleging that the flow of information has to be limited by respect for the "laws and customs of each country." The Final Act makes no reference to "customs," only to "laws and regulations," which can, in fact, be a significant obstacle to free flow of information.

Behind such arguments -- and the post-Helsinki references in the Soviet press on the information section of Basket III show what a sensitive point information is -- lies the Communist concern with the continuance, even in the detente era, of what is called the "ideological struggle" between socialism and capitalism. It is the concern for ideological purity -- maintained by a monopoly on information -- at home and ideological fervor abroad that makes the Soviet Union so touchy on this section of Basket III and so anxious to erect justifications for continuing the selective censorship of Western publications and broadcasting.

The Soviet Union, as well as Czechoslovakia and Bulgaria, seeking in part to demonstrate that the West is not implementing the CSCE provisions on information, have been producing a prodigious amount of quantitative data which purports to demonstrate that they have done far more than the West, in the period since the signing of the Final Act, in circulating books and films from abroad.

c. Western Strategy:

There should be four basic responses to this Soviet strategy:

1. The raw data presented by the Eastern countries seems factual. The Commission will seek to analyze it by next year. On the other hand, there is nothing in the Final Act to require numerical reciprocity in the exchange of books, films and broadcasts. We should stress that in the Western interpretation of the Final Act, individuals, not governments, ought to have the opportunity to make the choice of what they read, see and hear, and should have the widest possible range of choice. A key concern is that although the Soviet Union and Eastern Europe have imported a large number of titles from the West, the circulation of many of these works, including newspapers and magazines, is systematically restricted. Only a small number of trusted people actually get access to them.
2. One of the main reasons the West has not yet given wider circulation to Soviet materials is that the purchase of books, newspapers and films in the West is a matter of free market choice determined by private corporations and personal taste, not by government dicta. Western books and films have long been very popular in the East, but in the West, there is as yet little demand for Soviet

material. It should be noted, however, that certain private publishers have expressed a willingness to attempt to increase their import of Soviet and East European information and cultural material.

3. The action clause calling for States to "gradually increase the quantities and numbers of titles of newspapers and publications from abroad..." in the Final Act is important. It recognizes the complexity involved in broadening the two-way flow. But it is fair to ask -- and we should -- whether there has been any, even "gradual," increase in 1976.

#### Implementation

##### I. Printed, Broadcast and Filmed Information:

A. The Soviets and the East Europeans import and translate many thousands more books and journals from the West than the West does from the Soviet Bloc. In fact, the Soviet Union states it is "in first place" in the amount of translated literature in the world, boasting a 1976 circulation, for example, of 60 million copies of about 1500 imported works in translation.

B. The Soviets say that the West shows only one-tenth as many Soviet films as the Soviets show Western films. According to the UNESCO data they use, 10% of the television broadcast time in the socialist countries is taken up by programs made in the West, while T.V. programs from socialist countries amount to only 2% of the total viewing time in the West.

C. The Soviet and East European governments have protested bitterly that the broadcasts of Radio Free Europe and Radio Liberty undercut the spirit of the Final Act because they constitute interference in their internal affairs, a violation they claim of Principle VI of the Final Act. The Soviet Union, Bulgaria and Czechoslovakia still jam these broadcasts. The position of the U.S. government is that since the Final Act calls for the freer and wider dissemination of information of all kinds, the broadcasts of RFE and RL are in keeping with the Final Act.

D. The circulation of Western newspapers and journals in the Soviet Union remains very restricted. However, the Soviets announced in January, 1976, that they had taken some concrete steps to import 18 Western newspapers previously unavailable (including the New York Times, Washington Post). According to reports of many reliable monitoring agencies here and on the continent, (particularly the European Cooperation Research Group, EUCORG, based



in London), non-Communist Western newspapers can still only and erratically be found in the major tourist hotels in the major cities where, in many instances, they are only sold under the counter.

E. In the Soviet Union the Final Act received a circulation of at least 20 million (it was published in Pravda and Izvestia, the two major daily newspapers). In the West and particularly the United States, only excerpts from the document were printed in a few major papers. Of course, the full text of the Act is readily available in numerous libraries (and in the Congressional Record) and as such, is accessible to all who are interested.

## II. Improvement of Working Conditions for Journalists:

A. The key phrase determining compliance in this area is that the participating States are bound to provide foreign journalists only with progressively greater opportunities for travel. This means that the Soviet and East European authorities can comply if they change their restrictive regulations on foreign journalists very slowly (in Eastern Europe the restrictions on travel are much fewer than in the USSR), and Eastern European newsmen, of course, get around the Soviet Union more easily than their Western colleagues.

B. The Soviets have taken some measures to reduce some of the restrictions on foreign journalists. Soon after the signing of the Final Act, the Soviet Union and individual Western nations agreed bilaterally to grant multiple entry and reentry visas to accredited foreign journalists. The Soviets also announced that as of March 1, 1976, Western journalists would no longer have to apply for a special permit if they wished to visit areas outside of the restricted forty-mile limit. As is presently the case with foreign diplomats, journalists will merely be required to give notice of their plans 24-48 hours in advance, specifying the reasons for the visit, the destination, means of transportation and the exact route planned. Since arrangements for most such trips must be made through Intourist or a Foreign Ministry department, control is and can be exercised at will.

C. This summer the Soviet authorities announced that henceforth foreign journalists would be allowed to approach government officials directly, no longer having to go through Foreign Ministry press officers. However, there is still a Soviet law on the books punishing "unauthorized contacts." The law -- and more importantly, but less measurably, a press campaign warning that Western newsmen could be spies -- contributes to an inclination by officials and most private citizens to resist any but ceremonial contact.

## Cultural and Educational Exchange

### Basic Goal:

These sections provide for expanded personal and institutional contacts by artists, scientists, or scholars with foreign colleagues and with the institutions they represent, and for access to pertinent information and materials.

### Key Language:

"The participating States...will promote and encourage the effective exercise of...cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development...They will equally endeavor...to improve...the benefits resulting from increased mutual knowledge and from progress and achievement in...cultural and humanitarian fields...

"The participating States...disposed in this spirit to increase substantially their cultural exchanges,...jointly set themselves...to develop contacts and cooperation among persons active in the field of culture.

"The participating States are prepared to facilitate...the further development of exchanges of knowledge and experience as well as of contacts...among persons engaged in education and science."

### Standards of Conduct:

#### Introduction:

Basket Three devotes two of its four sections to "cooperation and exchanges" in the fields of culture (Section 3) and education (Section 4). Both sections embody the same basic goal, and both outline similar kinds of specific provisions the implementation of which can be monitored:

#### 1. Direct Contacts and Communications

Basket Three calls for the signatory States further to promote and

develop "direct contacts and communications" between individuals and institutions (both State and private);

## 2. Access by All to Resources

Basket Three commits the signatories to grant "access by all" to national cultural and educational resources.

### Interpretation:

The above two standards of conduct define the actions nations agreed to take in encouraging and expanding exchanges. The United States emphasizes the principles of direct contacts and access by all, and our efforts should promote the specific actions which the signatories take to encourage and facilitate the further realization of these principles.

Reflecting difficult compromises in the negotiations, the cultural and educational sections of the Final Act contain significant qualifying language which gives each State flexibility in CSCE implementation. For example, the Final Act specifically calls for the establishment of future bilateral agreements "where they are necessary" to set guidelines for cooperation "on the basis of special arrangements." In addition, existing bilateral agreements are to be given the "fullest possible use." "Flexibility" is the foundation upon which cultural and educational bargains are to be struck.

The Final Act's language represents a recognition on all sides that the self-defined interests of any participating State take precedence over the strict implementation of CSCE provisions. What threatens to be a limiting factor is the place accorded bilateral agreements which allow both States, on the basis of "mutually acceptable conditions," to promote cultural and educational exchange without making commitments--financial, ideological, moral--which they cannot meet.

Such qualifying language enables each participating State to determine the nature of contacts and communications, as well as how "direct" they shall be. Primarily, exchanges are to be between "competent" institutions and organizations, with the competence factor up to the discretion of the participating State. An exchange between the Soviet Academy of Sciences and the U. S. National Academy of Sciences, which both sides recognize as "competent," does not necessarily provide easy contacts for all representatives of these organizations.

"Access by all" is also qualified, with signatories' controlling

resources a person may have access to and determining what resources are "relevant". Access will be granted to "open" archives and subject to the existing rules for their utilization.

Although Basket Three calls for the facilitation of travel between and within the participating States for purposes of study, teaching, and research, permission to travel can be denied if the State determines that the resources at the place of destination are not relevant or are closed. The Commissioners should be aware that quite often the materials to which scholars seek access are closed to all ordinary citizens, not just foreigners. Access is also a serious problem for scholars in Eastern countries.

#### Implementation:

Our position is that contact should be direct and access full. The Commission must assume that all countries intend compliance to the commitments they made at Helsinki to expand human contacts through cultural and educational exchange.

The exchanges, which pre-date Helsinki, have posited important benefits for both sides. In many cases, exchanges programs -- public and private -- are in proportion to the size and position of the countries. Even in these cases the CSCE document offers opportunity for improving and enriching the relationship. In some cases the exchanges relationship has not developed the size and scope one would expect. These can benefit most from the Helsinki precepts. The outstanding example in this category is the US-USSR exchange and this deserves some special comment here.

For the American participants who are interested in Soviet or East European studies, it is of great advantage to live in the USSR or East Europe, no matter how briefly. They usually have some access to both human and material resources which are not available in the US and return to the West better informed, better teachers or scientists than they had been. Through these participants the ultimate beneficiary is the American public, for their understanding of the East will be that much more realistic and sophisticated.

The Soviets emphasize the scientific and technological aspects of the exchanges. They profit from access to Western know-how. They also get a better understanding of the United States. It is a great advantage to both sides to have as Soviet representatives people whose view of America is more accurate than it would otherwise be.

Implementation of the exchanges since Helsinki reflects the problems which existed beforehand.

The USSR continues to deny Western scholars access to many of its archives and library resource materials. Twentieth century

topics -- the most interesting to the West -- are subject to special control.

The Soviets are particularly interested in the scientific exchanges, but the record of bilateral US-Soviet agreements in this area is a checkered one, with many delays and frustrations. The East, as a long-established practice, negotiates exchanges on an institution-to-institution basis. The Soviet Academy of Sciences bargains with the National Academy of Science. We believe that any scholar or artist should be able to see the Soviet people working in his field without being tied to a bilateral institutional agreement.

The US and USSR have just signed a new Program of Exchanges for 1977-79. Because of lack of American funds and Soviet unwillingness to increase the number of governmental fine and applied arts exchanges, this post-Helsinki Program is almost identical to its pre-Helsinki counterpart. Our budget restrictions leave us open to Soviet charges that we are not implementing Basket Three's provisions calling for an increase in exchanges and exchange scholarships. Private organizations, notably the Ford Foundation, which used to finance a substantial part of the exchanges, have had to cut back. The State Department's Bureau of Educational and Cultural Affairs has had to operate under strict budgetary controls.

Restricted funds prevent the United States from implementing some of the Helsinki provisions in the exchange areas, and with respect to the State Department, the level of funding is the result of congressional action.

Despite problems with government financing, American universities and private organizations remain actively interested in expanding the scope and quality of existing exchanges as well as implementing new ones. Over twenty U.S. universities have initiated or are negotiating direct exchange agreements with Eastern counterparts, notably in Poland. Independent groups, such as the American Bar Association and the 4H Foundation, continue exchanges with the Soviet Union. In this unpatterned process, all parties have come to recognize that the exchanges are profitable, and that there is a genuine commitment on both sides to continue the movement.